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# INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 2

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## HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-FOURTH CONGRESS FIRST SESSION

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DECEMBER 14 AND 15, 1955

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Printed for the use of the Committee on Un-American Activities

(INCLUDING INDEX)

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## COMMITTEE ON UN-AMERICAN ACTIVITIES

### UNITED STATES HOUSE OF REPRESENTATIVES

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# CONTENTS

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	Page
December 14, 1955: Testimony of—	
Mortimer Riemer.....	3022
Lester Asher.....	3043
Allen Heald.....	3055
Gerald J. Matchett.....	3072
Margaret Ellen Matchett.....	3079
December 15, 1955: Testimony of—	
Lyle W. Cooper <sup>1</sup> .....	3083
Helen A. Cooper <sup>1</sup> .....	3088
James M. Shields <sup>1</sup> .....	3092
Ellis George Olim.....	3102
Index.....	i

Executive testimony released by the committee January 20, 1956.



## PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, \* \* \**

### PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

#### RULE X

##### SEC. 121. STANDING COMMITTEES

\* \* \* \* \*

17. Committee on Un-American Activities, to consist of nine members.

#### RULE XI

##### POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

## RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

\* \* \* \* \*

### RULE X

#### STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

\* \* \* \* \*

(q) Committee on Un-American Activities, to consist of nine members.

\* \* \* \* \*

### RULE XI

#### POWERS AND DUTIES OF COMMITTEES

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# INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 2

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WEDNESDAY, DECEMBER 14, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Chicago, Ill.*

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities reconvened at 10:10 a. m., pursuant to recess, in the Federal Court-house, Chicago, Ill., Hon. Morgan M. Moulder (chairman) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri (presiding), Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., counsel; and Thomas W. Beale, Sr., chief clerk.

Mr. MOULDER. The subcommittee will be in order.

This is a continuation of proceedings before the subcommittee designated by Chairman Walter, consisting of myself as chairman, and Mr. Willis of Louisiana and Mr. Scherer of Ohio.

Mr. TAVENNER. Mr. Chairman, I think it would be well at this time to advise the subcommittee of the schedule which has been worked out for the remainder of this hearing in Chicago. We expect to call 5 witnesses today, and it is believed that these 5 witnesses will consume the full day's time.

Inasmuch as a new chairman of the subcommittee has been appointed, I think I should also say that the chairman of the committee as a whole directed the staff to prepare a recommendation as to the witnesses to be heard in open session and the witnesses to be heard in closed session.

This is a recommendation in keeping with the policy of the committee, and it was made and approved by the chairman. As a result of that recommendation, I think I should say that most of tomorrow's session will be devoted to hearing those witnesses who are to testify in closed session. All of the witnesses today will be in open session.

However, the committee agreed, as you will recall, that Ellis Olim, a witness scheduled to be heard yesterday, would be postponed until 4 p. m. tomorrow, due to the inability of his attorney to be here today. Tomorrow, at 4 o'clock, that witness will be heard in open session. That will conclude the hearings scheduled here in Chicago.

Mr. SCHERER. As to the witness you just mentioned, who will be heard in open session tomorrow, that arrangement was made at the urgent request of his counsel.

Mr. TAVENNER. That is correct.

Mr. MOULDER. The attention of the committee has been called to a news item appearing in the morning issue of the Chicago Daily

Tribune and the Washington Post concerning the testimony before the committee yesterday of Mr. Herbert Fuchs, wherein it is reported that Fuchs—

confirmed testimony given to the House committee several years ago and the testimony in the Alger Hiss case given by Elizabeth Bentley. He identified 5 of the 6 members of what Miss Bentley termed the "Victor Perlo Communist spy ring" as Communists to his knowledge.

He said he personally knew as Communists, Allan Rosenberg, Donald Niven Wheeler, Charles Krevitsky, Edward Fitzgerald, Harold Magdoff, and Harold Glasser, named by Miss Bentley as members of the Perlo group.

The transcript of the record will reflect that Mr. Fuchs actually testified that he knew Allan Rosenberg as a member of the National Labor Relations Board and as a member of the Communist cell within that agency; that he had met Charles Krevitsky, Edward Fitzgerald, Harold Magdoff, and Harold Glasser socially, and that he personally did not know them to be members of the Communist Party, and that he did not know Donald Niven Wheeler.

We hope that the necessary corrections will be made in this respect by the press.

Are you ready to proceed?

Mr. TAVENNER. I will call Mortimer Riemer.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIEMER. I do.

#### **TESTIMONY OF MORTIMER RIEMER, ACCOMPANIED BY COUNSEL, THOMAS A. BURKE**

Mr. TAVENNER. Will you state your name, please, sir?

Mr. RIEMER. Mortimer Riemer.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. BURKE. I am Thomas A. Burke of the Ohio bar, residing in Cleveland, Ohio.

Mr. TAVENNER. Will you spell your name, Mr. Riemer?

Mr. RIEMER. R-i-e-m-e-r.

Mr. TAVENNER. When and where were you born, Mr. Riemer?

Mr. RIEMER. June 19, 1904, Port Chester, N. Y.

Mr. SCHERER. May I interrupt for a moment? Coming from Ohio, I would like to say that the distinguished counsel, Senator Burke, is the former mayor of the city of Cleveland and a former United States Senator from the State of Ohio.

Mr. TAVENNER. Where do you now reside, Mr. Riemer?

Mr. RIEMER. Cleveland, Ohio.

Mr. TAVENNER. How long have you been a resident of Cleveland?

Mr. RIEMER. Since October 1947.

Mr. TAVENNER. What is your occupation or profession?

Mr. RIEMER. I am an attorney.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been for your profession?

Mr. RIEMER. I graduated from the Syracuse, N. Y., Central High School in June of 1921, and I entered Syracuse University in September of 1921. I graduated from Syracuse University in June 1925, and I entered law school in September of 1928 and graduated from the



Law School of New York University in June of 1931. I was admitted to the New York bar in 1932. I am a member of the bar of the Supreme Court of the United States, and I was admitted to the Ohio bar on motion late in 1947 or early in 1948.

Mr. TAVENNER. Did you begin the practice of law upon completion of your legal studies in 1931?

Mr. RIEMER. Yes, sir.

Mr. TAVENNER. Did you practice in the city of New York?

Mr. RIEMER. In New York City.

Mr. TAVENNER. How long did you engage in practice there before having other employment?

Mr. RIEMER. I was in active practice from the time of my admission in 1932 until late 1936, or early 1937.

Mr. TAVENNER. What was your first employment after engaging in the practice of law for a period of approximately 4 or 5 years?

Mr. RIEMER. While I was still engaged in the practice of law in New York City, I became the executive secretary of the National Lawyers Guild.

Mr. TAVENNER. Were you its first executive secretary?

Mr. RIEMER. That is correct.

Mr. TAVENNER. In what year?

Mr. RIEMER. That was in the late fall of 1936.

Mr. TAVENNER. How long did you remain executive secretary of the National Lawyers Guild?

Mr. RIEMER. Until the fall of 1939.

Mr. TAVENNER. Did you resign along about that time?

Mr. RIEMER. I did, sir, that is correct.

Mr. TAVENNER. What was your employment following your resignation as executive secretary of the National Lawyers Guild?

Mr. RIEMER. On January 6, 1940, I was appointed as a trial examiner for the National Labor Relations Board, in Washington, D. C.

Mr. TAVENNER. For how long a period of time were you employed by the National Labor Relations Board?

Mr. RIEMER. Until I resigned on Labor Day, 1947.

Mr. TAVENNER. Since that time have you been engaged in private practice of the law in Cleveland, Ohio?

Mr. RIEMER. That is correct.

Mr. TAVENNER. Was your only Government employment that which began in 1940 when you accepted the position of trial examiner with the National Labor Relations Board?

Mr. RIEMER. That is correct.

Mr. TAVENNER. Were you a member of the Communist Party at the time you became employed by the National Labor Relations Board?

Mr. RIEMER. I was.

Mr. TAVENNER. Will you tell the committee when you became a member of the Communist Party, and under what circumstances?

Mr. RIEMER. I became a member of the Communist Party late in 1935 or early in 1936. I cannot give this committee the exact date of that step. But as this committee knows, the mid-1930's was a period of great unemployment, unrest, confusion, and indecision, and I was particularly disturbed by those conditions domestically, and I was disturbed by events abroad particularly in Germany. As a

Jew, I was deeply concerned. And it was represented to me that the Communist Party had a program, an effective one to contribute to a solution of some of those ills, and I was solicited to join and I did so.

I am glad now of the opportunity to make known what I did, and to explain to the committee how and under the circumstances it occurred.

Mr. SCHERER. I might say at this point that since I have been a member of this committee we have heard testimony confirming what the witness has said, namely that there were a number of members of the Jewish race who felt, perhaps erroneously, that in the early days the Communist Party was one of the forces that was opposed to anti-Semitism and fascism in Germany. I think you will recall, Counsel, such testimony.

I remember the first witness was Professor Davis, and I forget the name of the university in the East from which he came.

Mr. TAVENNER. Where was this group or cell of the Communist Party of which you became a member located in the city of New York?

Mr. RIEMER. Some time after I became a member, I was assigned or directed to a lawyers group.

Mr. TAVENNER. In what area?

Mr. RIEMER. It was in Manhattan—I know that.

Mr. TAVENNER. Before we go further I think that you should tell the committee by whom you were recruited into the Communist Party.

Mr. RIEMER. I was solicited to join the Communist Party by a man by the name of Gerson, his first name was Simon, who was, at that time if I am not mistaken, the city hall reporter of the New York Daily Worker.

I had met him during the summer of 1935. I was living that summer in Croton, N. Y., a summer community, and I used to commute daily between New York City and there, a distance of about 35 or 40 miles. I met Gerson, and he would be on the train going one way or coming the other, and I got to know him. We used to play golf together as a matter of fact, and he was the one who solicited my membership.

Mr. TAVENNER. Were you immediately assigned to this group of lawyers composing a cell of the Communist Party?

Mr. RIEMER. No, I don't think that I was immediately assigned. I think that there was a period or a gap in there. How long it was, I do not know.

Mr. TAVENNER. Was this group to which you were assigned made up entirely of members of the legal profession?

Mr. RIEMER. Yes, I would say exclusively.

Mr. TAVENNER. Will you tell the committee approximately the number of attorneys who belonged to this group, or cell, of the Communist Party?

Mr. RIEMER. I would place it in the neighborhood of 15 to 20.

Mr. TAVENNER. Over what period of time did these people belong?

Mr. RIEMER. In the period between my first participation and late 1936.

Mr. TAVENNER. When did your first participation begin?

Mr. RIEMER. It would have begun, I am inclined to think, late in 1935 or early in 1936.



Mr. TAVENNER. Will you give the committee the names of those who were members of this Communist Party group with you?

Mr. RIEMER. Isadore Bassoff.

Mr. TAVENNER. Will you spell the name?

Mr. RIEMER. B-a-s-s-o-f-f. Joseph Brodsky, B-r-o-d-s-k-y, now deceased. David Freedman, F-r-e-e-d-m-a-n. Henry Holzman, H-o-l-z-m-a-n. There was a lady by the name of Kassner, K-a-s-s-n-e-r.

Mr. TAVENNER. Do you recall her first name?

Mr. RIEMER. I believe her first name was Minna.

Mr. TAVENNER. How do you spell that?

Mr. RIEMER. M-i-n-n-a, I would assume.

Mr. TAVENNER. How do you spell the last name?

Mr. RIEMER. K-a-s-s-n-e-r. Edward Kuntz, K-u-n-t-z.

Mr. TAVENNER. Were all of these persons members of the legal profession?

Mr. RIEMER. Yes. Martin Kurasch, K-u-r-a-s-c-h, although I must say with respect to him that I did not know him at that time, and I think I met him for the first time only after I came to Washington. I did not know him in New York.

Mr. TAVENNER. Let us confine ourselves for the moment to those in the legal profession who were members with you in your group in New York.

Mr. RIEMER. I will continue.

Mr. TAVENNER. So Martin Kurasch would come out of the list?

Mr. RIEMER. Yes. Martin Popper, P-o-p-p-e-r. Alex Racobin, R-a-c-o-b-i-n. Harry Sacher, S-a-c-h-e-r.

Mr. SCHERER. Is that the same Harry Sacher who was sentenced for contempt as a result of his conduct before Judge Medina in the trial of the original 11 Communists in New York?

Mr. RIEMER. Yes, sir.

Mr. SCHERER. The same Harry Sacher representing persons who have appeared before this committee?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. I remember him very well.

Mr. RIEMER. I think the last name I gave you was Sacher. The next name on my list is Frank Scheiner, S-c-h-e-i-n-e-r. David Scribner, S-c-r-i-b-n-e-r.

Mr. SCHERER. Isn't he the present general counsel for the United Electrical, Radio, and Machine Workers of America?

Mr. RIEMER. I believe he is.

Mr. SCHERER. The United Electrical Workers as we all know was expelled some time ago by the CIO because of its Communist domination, and we all remember Mr. Scribner from his numerous appearances before this committee in various parts of the country, representing identified Communists. I think this identification of Mr. Scribner now explains some of his conduct and attitude in representing these individuals before this committee over the years.

Mr. RIEMER. Robert Silberstein, S-i-l-b-e-r-s-t-e-i-n.

Mr. TAVENNER. Do you know whether this is the same Robert Silberstein who became executive secretary of the National Lawyers Guild?

Mr. RIEMER. No, I cannot answer that. Once I ceased my connection with it, I frankly paid no more attention to it, and I cannot

answer or verify that. It would be a matter of documentary evidence, I am sure.

It is Robert J. Silberstein.

Mr. TAVENNER. Do you know that his middle initial was "J"?

Mr. RIEMER. That is right.

Mr. TAVENNER. Mr. Chairman, you will no doubt recall that we subpoenaed Mr. Robert J. Silberstein, the executive secretary of the National Lawyers Guild before the committee in 1952. He refused to answer any material questions, relying upon the fifth amendment.

Mr. RIEMER. Joseph Tauber, T-a-u-b-e-r. Abraham Unger, U-n-g-e-r, and Arthur Silverman, S-i-l-v-e-r-m-a-n. Now, that would complete my list of positive recollection.

Mr. TAVENNER. Did Simon Gerson have any connection with the operation of this cell?

Mr. RIEMER. Absolutely not to my knowledge.

Mr. TAVENNER. Was there any liaison between this group and higher authority in the Communist Party?

Mr. RIEMER. Not to my knowledge.

Mr. TAVENNER. At least you had no personal knowledge of it?

Mr. RIEMER. I had no personal knowledge of it; no, sir.

Mr. TAVENNER. Was this group addressed from time to time by leaders of the Communist Party on a higher level?

Mr. RIEMER. Not to my knowledge, and in my presence; no, sir.

Mr. TAVENNER. When you became a member of this group, were you given a card or was any record made of your membership?

Mr. RIEMER. I do not think so. As a matter of fact, I cannot recall, actually filling out an application card, but if it was the practice to do so in those days, undoubtedly I did. But I have no recollection of having received back either a membership card or a book or anything of that sort. I don't think that they were issued.

Mr. TAVENNER. Do you recall whether or not the suggestion was made to you as to the use of a pseudonym instead of your real name?

Mr. RIEMER. I think so. I used one.

Mr. TAVENNER. What would be the occasion for your using an assumed name?

Mr. RIEMER. Actually I do not know. That is, I never used the pseudonym myself.

Mr. TAVENNER. As between you and these other members were you all on such terms that you knew each other without the necessity of using an assumed name?

Mr. RIEMER. That is correct.

Mr. TAVENNER. If there was any record kept for purposes of checking on dues payments or for any other purpose, would you then have used the assumed name?

Mr. RIEMER. I never used it.

Mr. TAVENNER. You did not?

Mr. RIEMER. No.

Mr. TAVENNER. I thought that I understood you to say that you did?

Mr. RIEMER. Perhaps I misspoke. I had a pseudonym, but in fact I never used it because there was never any occasion to use it.

Mr. TAVENNER. What was your name?

Mr. RIEMER. Robert Mortimer.

Mr. TAVENNER. Do you recall whether these other attorneys in this group also used fictitious names?

Mr. RIEMER. That I do not know.

Mr. TAVENNER. Did you at any time hold any position in this group?

Mr. RIEMER. No, sir.

Mr. TAVENNER. How frequently did this group meet?

Mr. RIEMER. This entire group did not meet together. My recollection is that at the most, perhaps 7 or 8 would meet.

Mr. TAVENNER. At one time?

Mr. RIEMER. At one time, yes, and it would meet perhaps once a week, possibly once every 2 weeks. I am not sure.

Mr. TAVENNER. Where were the meetings held?

Mr. RIEMER. They would be held at the homes of various people who were members.

Mr. TAVENNER. Will you tell us the names of the members, that you can now recall, in whose homes these meetings were held?

Mr. RIEMER. I can only recall meeting at the home of one man. Undoubtedly there were meetings held at other homes, but I have no fixed recollection of other locations, other than this one, which sticks in my memory.

Mr. TAVENNER. Who was that?

Mr. RIEMER. Mr. Silberstein.

Mr. TAVENNER. Do you recall whether there was any particular home in which the group met more frequently than in other homes?

Mr. RIEMER. I think we probably met more frequently in his home, as a matter of convenience. He lived in downtown New York, and I think geographically it was just physically convenient.

Mr. TAVENNER. Did they ever meet in your home?

Mr. RIEMER. No.

Mr. TAVENNER. Will you tell the committee please what was the principal objective of this group of the Communist Party?

Mr. RIEMER. Actually at this time, when I first became a member, it was primarily and almost exclusively devoted to a study of Marxist literature. I think that was almost solely the occupation of the group at the meetings—to discuss, analyze, and report on various pieces of Communist Party doctrine or literature, which had been printed and was available for purchase. There was also in those days, of course, political discussion of events then taking place in the United States, but I think that covers it.

Mr. TAVENNER. Do you recall the specific courses or documents with which you dealt?

Mr. RIEMER. There was no course but the Communist Party had voluminous publications, leaflets, pamphlets, and what not. They would be distributed at meetings. You would buy them for 5 cents, or 10 cents, or whatever it was. You would take them home and read them, and burn them after you read them, and come back and discuss them.

Mr. TAVENNER. Persons in the educational level of which the members of this cell were, would no doubt read and study some of the advanced theories and principles of the Communist Party, would they not?

Let us take for instance their leading works on economics.

Mr. REIMER. I attempted to read *Das Kapital* but I gave it up, I could not even get through the first part of it, and there was another book—



Mr. TAVENNER. Was Das Kapital one of the required studies?

Mr. RIEMER. No; I do not think it was. My impression, as I look back upon it now, and you have to understand it is some years ago, is that it was more current literature, the publications of American Communist leaders rather than the reprints of foreign Communist leaders.

Mr. TAVENNER. Did you pay dues during this period of time?

Mr. RIEMER. Yes, sir.

Mr. TAVENNER. How were the dues arrived at?

Mr. RIEMER. The dues were on a graduated scale, based upon income, and I think it was left up to us to declare what our income was, and to fix our dues contributions in accordance with our income.

Mr. SCHERER. Was there any specific percentage?

Mr. RIEMER. Yes; there was.

Mr. SCHERER. Do you recall that percentage?

Mr. RIEMER. No, sir; I do not.

Mr. SCHERER. In some of the professions it ran rather high, as in the entertainment field. You remember Rossen testified that over a period of 10 years, he contributed \$20,000.

Mr. TAVENNER. Yes. And salaried persons in the entertainment field who were receiving about \$2,500 a week, I think usually paid 4 percent of their salaries.

When these meetings were held of this group composed of lawyers, were they closed Communist Party meetings in the sense that persons who were not members were not permitted to attend?

Mr. RIEMER. Yes; that is right. They were closed meetings.

Mr. TAVENNER. Is it true that every secret method that could be devised was used to prevent the identity of the members of this group from being known?

Mr. RIEMER. That is a fair statement; that is correct.

Mr. TAVENNER. And no one would have been permitted to attend one of those meetings who was not a member of the Communist Party?

Mr. RIEMER. That is correct.

Mr. TAVENNER. And did all of the attorneys, whose names you have given us, attend some of those meetings, which you have described?

Mr. RIEMER. Yes, sir.

Mr. TAVENNER. Did this group of the Communist Party become interested in any project in which the legal profession was particularly involved and concerned?

Mr. RIEMER. Well, I became interested.

Mr. TAVENNER. Will you tell us about it?

Mr. RIEMER. Some time in 1935, I believe, there was organized in New York City an outfit called the Lawyers Security League. Now, who organized it and how it was organized and when it was organized, I do not know. I did not become a member of it until I would say, the spring of 1936. Its primary function, as I later learned, was to secure employment for lawyers, and due to the then economic condition of the bar in New York City the encroachments made upon the practice by the unauthorized practices of others, I would say there were literally thousands of lawyers who were either unemployed or just could not exist professionally.

Mr. SCHERER. What year was that?

Mr. RIEMER. That would be in 1935. WPA projects were established to provide employment for these lawyers. There was a project

to bring up to date county clerks' records, and a project to bring up to date the records of the Surrogate's Court, and projects of that nature. The Lawyers Security League was helpful and instrumental in getting established in these projects and in getting lawyers jobs on on those projects. That was its primary function.

Mr. SCHERER. That condition you spoke of concerning the plight of lawyers in the New York area was the same in varying degrees throughout the country.

Mr. RIEMER. It was symptomatic of the entire country, and particularly acute in large cities like New York.

Mr. SCHERER. I remember well, as a young lawyer at that time.

Mr. RIEMER. That is right, it was exceedingly difficult for a man just graduating from law school and admitted to the bar to even engage in the practice and even make \$20 a week. The WPA project at whatever they paid in those days, was substantially more than he could earn in practice.

Well, to continue, sometime along in 1936, I was asked to join the Lawyers Security League, and I had never been particularly interested up to that time in membership because of its program which did not concern me. I was not on a WPA project and I did not want to be on a WPA project. Perhaps I was a little more fortunate than others, and I did have a slight professional income. I was asked to join the league, and I did. I think membership was \$1 a year and it was very minimum. I became a member of a committee thereafter whose purpose it was to try to work out a program for the economic advancement of the lawyers, and devise ways and means if it could be done to find additional professional engagements for attorneys. We undertook such a program. Some of the things we talked about, for example, in this committee during the late spring and early summer of 1936 were; Increasing wages paid to lawyers on WPA projects, trying to secure additional projects, trying to stop the unauthorized practice of law, and trying to work out or evolve a system for references of one kind or another, in the appointment of appraisers, which would be done on a basis of rotation so that qualified individuals as they approached to the top of the list, if they were available and wanted such appointments, would get them off the top of the list.

In a city like New York, particularly in those days, with bankruptcy and one thing and another, there were numerous opportunities for professional employment of that nature. We tried to work out a system whereby that would be distributed on an equitable basis. That was a project.

Mr. SCHERER. What position did you hold in the organization that you have referred to as the Lawyers Security League?

Mr. RIEMER. I held no position. If I am not mistaken, I was the chairman of this committee that was trying to evolve the program that I have just mentioned.

Mr. SCHERER. Who was the president of the group?

Mr. RIEMER. I do not know who was the president in those days.

Mr. SCHERER. Do you recall whether Robert J. Silberstein became the president at a later period?

Mr. RIEMER. He might have been president at that time, or he could have become president later. I really do not know.

Mr. SCHERER. Was the committee of which you were chairman, the only activity of this league?

Mr. RIEMER. Yes, that is right.

Mr. SCHERER. Did it have other activities?

Mr. RIEMER. Yes; and other standing committees and I assume special committees, and that was a special committee.

Mr. SCHERER. You have explained to us the activity of only one group in the Lawyers Security League. Did it have a number of activities other than that which you just related?

Mr. RIEMER. Yes.

Mr. TAVENNER. Were there other members of your Communist Party group who were definitely affiliated with the league?

Mr. REIMER. I think probably that most of the names I have mentioned were members.

Mr. TAVENNER. Did this Communist Party group exercise any influence in the operation or the functioning of this league?

Mr. RIEMER. I cannot answer that question because I do not know. Aside from my participation as chairman of this committee which lasted only a short time, I had little or no interest in the league and I just do not know anything about its internal workings.

Mr. SCHERER. Just a moment. Do you happen to recall some of the other objectives in which the league was interested?

Mr. RIEMER. It was primarily concerned, Mr. Scherer, with job opportunity. I think that was its principal and primary function.

Mr. TAVENNER. Did it finally develop to the point where representatives were sent to the American Bar Association to promote certain of the worthwhile principles advocated by the league?

Mr. RIEMER. Here is how that came about: I was at that time a member of the American Bar Association, and prior to the year 1936, I had considered going to the Boston convention of the American Bar Association. I discussed with this committee of which I was chairman the possibility of some or all of us going to that convention, certainly those who were members of the American Bar Association, and presenting to the American Bar Association resolutions along the lines that I have mentioned seeking the endorsement of the American Bar Association. We were principally interested in getting the American Bar Association to endorse the idea of WPA projects for lawyers, making a study of the economic condition of the bar, concerning which there was no real available data, or statistics at that time, or doing more about the unauthorized practice of law and issues of that nature.

Mr. MOULDER. As I understand, your testimony is now concerning activities which are in no way related to the Communist domination, or activities with which this committee is interested. Those are all worthwhile objectives that you had.

Mr. TAVENNER. There is no doubt about that. When you presented these resolutions to the American Bar Association, did you find that your group of the Communist Party had supported resolutions of different types, which were also presented to the American Bar Association?

Mr. RIEMER. Yes; there were some resolutions of a different type, and I think there was a resolution on the Tom Mooney case. There were some others I do not recall. I think they were all printed in the report of the American Bar Association conference for that year.

Mr. SCHERER. Do you mean some of the representatives of this league presented resolutions to the American Bar Association on matters other than they were authorized to do?



Mr. RIEMER. No; I would not say other than they were authorized to do.

Mr. SCHERER. Other than the objectives of the league called for, then?

Mr. RIEMER. Yes; I think that is a fair statement.

Mr. SCHERER. As I understand your testimony, certainly the objectives of this league, were not to support the Tom Mooney matter; is that right?

Mr. RIEMER. That is correct. I think there was a resolution on child labor, for example.

Mr. TAVENNER. In other words, resolutions that were not directed to the objectives of your group found their way into this presentation to the American Bar Association?

Mr. RIEMER. Yes; that is a fair statement.

Mr. TAVENNER. Do you know the source of these resolutions?

Mr. RIEMER. They all came out of this committee of which I was chairman, I think.

Mr. MOULDER. My point is that that was not a Communist cell, or a Communist Party organization of which you were chairman.

Mr. RIEMER. That is right; it was not. Of course I was a member of the party and I was the chairman of that committee.

Mr. TAVENNER. Was the Communist Party or any of its members influential in getting such resolutions passed, such as the Tom Mooney resolution?

Mr. RIEMER. No.

Mr. TAVENNER. You do not think so?

Mr. RIEMER. No, sir; they never even got out of the committee, as far as that is concerned.

Mr. TAVENNER. I am not talking about the American Bar Association, but about the Lawyers Security League.

Mr. RIEMER. Well, you will have to give me that question again.

Mr. TAVENNER. My question was whether or not the Communist Party, or any of its members, were instrumental in obtaining the passage by the Lawyers Security League of resolutions of the type that you have mentioned, such as the Tom Mooney resolution?

Mr. RIEMER. I really have no clear recollection on that.

Mr. TAVENNER. Did the Lawyers Security League develop later into another organization?

Mr. RIEMER. Yes.

Mr. TAVENNER. Just tell us briefly.

Mr. RIEMER. Subsequent to the American Bar Association convention, there was a meeting in New York City held at the Association of the Bar of the City of New York, of the Lawyers Security League, at which I, as chairman of this committee, previously mentioned, rendered a report on what had occurred at the American Bar Association convention. In substance, I said this: That it seemed to me, as the chairman of the committee, that at that time at least the American Bar Association was not going to do too much about the economic condition of the bar. It was not primarily concerned with that. I said that another approach had to be taken or other means devised if lawyers were going to do anything about their economic conditions in the profession at that time. At the meeting of which I speak, somebody made a motion to, or urged a resolution that the committee be continued in power, and authorized to develop a pro-

gram leading towards a meeting perhaps on a national basis to be held sometime around Thanksgiving of 1936, to see if it could evolve a program concerned with those conditions, which made it difficult, and in some cases almost impossible, for lawyers to gain a living professionally. So we undertook such a program; this committee of which I still continued to act as chairman. We attempted to contact people in other cities.

I only have a recollection of Pittsburgh, and possibly Baltimore. While that program was still going on, and in process of development, a suggestion was made in New York City at a lawyers meeting of the American Labor Party that what the lawyers really needed was something in the nature of a guild of lawyers which would really go out and do something about their conditions, somewhat in the nature of work that had been done for professional groups on the west coast, like the screen actors or the screen writers; I do not recall the situation too well. I was not at the meeting but that was reported to me, and the suggestion met with favor. When it was reported to me, it was suggested that I ought to get together, as chairman of my committee, with the man who had made that suggestion, and that was done.

Mr. TAVENNER. And that led, I am told, to the call for the first meeting of the National Lawyers Guild?

Mr. RIEMER. That is right. That germ, or that idea that was thrown out led to the thought or the idea of the National Lawyers Guild, and it was really the start of it. The idea was that if we confined or restricted ourselves to an economic program, you could not get liberal and progressive lawyers who were interested in other things to join with you, and that you had to have a well rounded program incorporating a lot of things, in addition to such dry and dull subjects as the unauthorized practice of law.

So out of that evolved the National Lawyers Guild, and at a meeting in New York City—do you want me to continue?

Mr. TAVENNER. Yes.

Mr. RIEMER. At a meeting in New York City, in the fall of 1936, either at the City Club or Algonquin Hotel—I do not recall now—such a meeting was held, and there were about 12 or 14 or 15 lawyers present.

At that meeting those of us who were present just assumed the authority to designate or elect Frank Walsh the president, and other people were elected to other offices. It was a paper organization, of course, and I was asked to become the secretary. Of course I was eager to do so. I mean, there was no question, I wanted the job, and it paid \$50 a week in 1936, and \$50 a week in 1936 was pretty good money for a lawyer.

So for the rest of 1936, I confined myself almost exclusively in New York City, aside from a few trips down to Washington to make convention arrangements. I confined myself almost exclusively to the organizational work of the National Lawyers Guild. It was distributing literature, addressing envelopes, and inviting people to attend the first conference, and trying to work out a program.

Mr. TAVENNER. During this period of your activity in the organization of the guild, were you in conference with members of the Communist Party regarding your activities?

Mr. RIEMER. Yes, sir.



Mr. TAVENNER. Tell us about that.

Mr. RIEMER. I conferred with Silberstein and Brodsky. Those conferences were for the most part, as I now look back upon them, really addressed to the organizational work, the details of organization, the best way of doing it and how to do it, and who to contact and things of that sort.

Mr. TAVENNER. Were both of them members of this Communist Party cell composed of lawyers of which you were a member?

Mr. RIEMER. That is right.

Mr. TAVENNER. Did you confer with any higher authority in the Communist Party?

Mr. RIEMER. I did not, no.

Mr. TAVENNER. When was the first convention held of the National Lawyers Guild?

Mr. RIEMER. It was held over Washington's Birthday weekend, in February of 1937, at the Hotel Washington, in Washington, D. C.

Mr. TAVENNER. Did your duties require you to move to Washington?

Mr. RIEMER. Not at that time, but I was in and out of the city frequently.

Mr. TAVENNER. Was there any caucus or meeting held prior to the convention in 1937, which you have just described, composed of members of the Communist Party, the purpose of which meeting was to guide the organization in its convention?

Mr. RIEMER. Yes, there was such a meeting held on a night or two before the convention opened.

Mr. TAVENNER. Where was that meeting held?

Mr. RIEMER. It was held in a hotel room of the Hotel Washington.

Mr. TAVENNER. How many persons attended that meeting?

Mr. RIEMER. My recollection is that there were 10 or 12 there.

Mr. TAVENNER. Could you give us the names of the persons who attended that meeting?

Mr. RIEMER. I can only give you the names of perhaps 3 or 4 that I can now recall. They were Brodsky, Silberstein, and I think Sacher. And I was there.

Mr. TAVENNER. Will you tell the committee as nearly as you can what decisions were reached at that meeting?

Mr. RIEMER. I have only the faintest recollection of that, and I cannot tell you with any assurance what decisions were made at that meeting. No minutes were kept, and there is no record of it.

Mr. TAVENNER. Did you endeavor to agree upon a slate of officers to be elected?

Mr. RIEMER. I would say so. I would say that probably that was discussed and agreed upon.

Mr. TAVENNER. Did that slate of officers include you?

Mr. RIEMER. That would include myself.

Mr. TAVENNER. As executive secretary?

Mr. RIEMER. That is right.

Mr. TAVENNER. Do you recall whether the slate at that time included any other members of the Communist Party?

Mr. RIEMER. Not principal officers, no. I think maybe on the executive committee it might have.

Mr. TAVENNER. Are you certain enough in your own mind that you could tell us who they were?

Mr. RIEMER. Not without seeing the letterhead; no, sir.

Mr. TAVENNER. I understand you resigned as executive secretary in 1939?

Mr. RIEMER. I did, sir.

Mr. TAVENNER. What was the reason for your resignation?

Mr. RIEMER. Well, I will have to go back a little.

Mr. TAVENNER. Just briefly enough to make a clear explanation of it.

Mr. RIEMER. I will make it as brief as I can. The National Lawyers Guild was quite successful in its initial stages. Thousands of lawyers joined and joined gladly, of all political faiths and creeds. I attempted on a national level, at least, to keep the program on a common denominator basis so that it would appeal to everybody, and that we would not be confined or isolated to any one particular group. But during late 1937, and in 1938 the Spanish issue principally, I think, created difficulties because numerous lawyers, particularly those of Catholic faith felt, first, that the position of the guild was wrong, politically wrong, and secondly that a lawyers organization had no business interfering with or passing resolutions or attempting to assert action on an issue of that sort.

Mr. TAVENNER. Was that a very strong issue at that time?

Mr. RIEMER. It was a very strong issue at that time.

Mr. TAVENNER. Was that the Communist Party line at that time?

Mr. RIEMER. Yes. In addition to that, and over which I had no control, there were chapters of the guild in various cities and I had no control over that. I learned subsequently that chapters in various cities at meetings would pass idiotic resolutions, which locally were passed, and brought the guild into disfavor among many members of the bar who felt that these were issues with which lawyers should have no concern as a lawyers' organization. They felt the guild was being used to unfair advantage.

To make a long story short—

Mr. TAVENNER. Let me interrupt you a moment. Was it also the view that many of such resolutions were Communist-inspired resolutions, and carried out the Communist Party line at that time?

Mr. RIEMER. I think that was the view.

Now, with this background, and because of these things, my job became a headache, and it was one that I no longer desired to hold, I went to the February 1939 convention of the National Lawyers Guild, which was held over here at the Hotel LaSalle, in Chicago, determined to resign. I discussed it with nobody but myself, but I was fed up, and I went to the first executive board meeting and I said, "I am through, this job is one that requires a man of abilities which I do not possess." I had made up my mind to get out.

However, I was attacked personally and I was attacked and accused of subverting the organization, to the purposes of the Communist Party, which I denied. The rumor was spread that I had received Moscow gold, and let there be no question about that, there was not a cent of money that ever came into the guild that came from Moscow. The money came from its members and no other place, but there it was, and the fat was in the fire, and I was attacked, and I suppose like a lot of other individuals, maybe inadvisedly when you are attacked personally, you stand up to defend yourself, and so I did; I ran for office again.

There was not any opposition, and I was elected.

Now, during the convention, I think it was on the last day of the convention, Morris Ernst of New York, who was an executive board member, introduced a resolution, and I call it the condemning of all "isms" resolutions, and it precipitated a wing ding of a debate. I think it went on for about 24 hours. It kept getting hotter and hotter and hotter. But in any event, following that session, after the new president was elected, and Pecora, the retiring president went back to New York, the charge of communism was leveled by Pecora, against the guild. When that was made, the guild was just about on its last legs. It became impossible for the organization to continue thereafter.

People resigned in droves. Or if not resigning, when their dues became due, they just failed to pay them. The organization so fell apart that in the summer of 1939 we just did not have enough money to pay my salary. I had difficulty keeping the rent going and paying the secretaries in the office. So in the fall of 1939, it became too much for me, and I just made up my mind to resign. I tendered my resignation in the fall of 1939 but agreed to continue over, I think, until the first of the year, in order to wrap up the loose ends. One of the things we did was to move to another office, and so on. Aside from tying up the loose ends, as I say, in the late fall of 1939, or early in January of 1940, I have had nothing to do with the guild ever since. I had no part or parcel of it.

Mr. TAVENNER. Shortly after that, did you become an employee of the National Labor Relations Board?

Mr. RIEMER. That is correct.

Mr. TAVENNER. Mr. Chairman, I believe this would be a good place for a break, if you desire to have one.

Mr. MOULDER. The committee will stand in recess for a period of 5 minutes.

(Brief recess.)

Mr. MOULDER. We will proceed.

Mr. TAVENNER. During the period of time, Mr. Riemer, that your duties required you to be in Washington as executive secretary of the National Lawyers Guild, did you affiliate with a group of the Communist Party there or did you retain your membership in New York?

Mr. RIEMER. I retained a nominal membership in New York, and I did not affiliate with any group in Washington.

Mr. TAVENNER. You have told us that you became employed in 1940 as a trial examiner with the National Labor Relations Board. How did you obtain that employment?

Mr. RIEMER. After I had resigned as secretary of the Guild in the fall of 1939, I considered whether to go back to New York and resume the practice of law, or seek employment in the Government in Washington. I had met Nathan Witt, who was then the Secretary of the Board, in Washington, and I knew him casually, and I went to see him. I asked him if there was an opportunity for employment as an attorney with the Labor Board. I had a short interview with him. He said at that time that the National Labor Relations Board was only hiring lawyers who were graduates of Harvard, Columbia, and he may have mentioned Yale, and preferably those who were on the law reviews of those schools. I was on the law review but I had not graduated from either school, and I just turned around and walked out.



Mr. SCHERER. Did he give you any reason for confining it to those schools?

Mr. RIEMER. No, and I remember that comment. It was one of the fastest brushoffs I have ever gotten from anybody.

Mr. SCHERER. What were those schools?

Mr. RIEMER. He mentioned Harvard and he mentioned Columbia, and I think that he mentioned Yale.

Mr. SCHERER. From where did he graduate?

Mr. RIEMER. I do not know. But shortly after that——

Mr. TAVENNER. Let me interrupt you for a moment. You did not identify yourself to him as a member of the Communist Party, did you?

Mr. RIEMER. No, sir. Shortly after this interview with Witt, I met Frank Bloom, who was then an assistant chief trial examiner with the National Labor Relations Board. He came up to me at some meeting and said, "Riemer, I understand you are looking for a job," or words to that effect. I said, "Yes, I was," and he asked me if I would be interested in a position as a trial examiner with the Labor Board. I said I had never thought about it, it was something new to me, but I certainly was interested. He told me then that he would either arrange an interview for me to meet George Pratt, the chief trial examiner, or I should call Pratt and make my own appointment.

Mr. TAVENNER. Let me interrupt you there. You mentioned the name of Frank Bloom, and I think that we should have the record speak clearly at this point as to whether there was ever any indication to you at any time that Frank Bloom had been a member of the Communist Party.

Mr. RIEMER. Absolutely not.

Mr. SCHERER. What about Witt?

Mr. RIEMER. I have no knowledge of that, Mr. Scherer.

I met Mr. Pratt and he introduced me, and discussed the type of work that was involved, and the conduct of hearings all over the United States and the frequent absences from Washington for extended periods of time, the hardship of travel and so on, and it appealed to me. I processed an application and filled out whatever forms were required to be filled out in those days, and I was appointed early in January of 1940.

Mr. SCHERER. How long was that after your initial conversation with Nathan Witt?

Mr. RIEMER. Within months, 2 months possibly, or 1 month; I really do not know.

Mr. SCHERER. In view of your fine activities on behalf of distressed lawyers, didn't that rattle you a little bit when Witt confined his selection of attorneys to those three schools?

Mr. RIEMER. Mr. Scherer, I was never so mad in all of my life as I was on that occasion.

Mr. SCHERER. How could you explain an exception being made to you, not coming from one of those schools?

Mr. RIEMER. This was another department over which Witt had no control.

Mr. SCHERER. It was still in the National Labor Relations Board?

Mr. RIEMER. That is right.

Mr. SCHERER. I understood that the National Labor Relations Board was not employing any attorneys other than those from the three schools mentioned.

Mr. RIEMER. That is what I said, but actually George Pratt, I think, had the authority, need existing, to engage personnel.

Mr. SCHERER. Could the fact that somebody found out that you happened to be a member of the Communist Party have something to do with the exception made in your case?

Mr. RIEMER. I do not know.

Mr. TAVENNER. After taking part in the work of the National Labor Relations Board as a trial attorney for a period of time, did you have occasion to meet Mr. Herbert Fuchs?

Mr. RIEMER. He was a trial examiner, Mr. Tavenner. Yes; I did.

Mr. TAVENNER. Explain the circumstances under which you first met him.

Mr. RIEMER. I had known Fuchs in Washington when I was there before I went on the Board, and I had seen him and met him at meetings of the National Lawyers Guild, in the District of Columbia chapter.

Mr. TAVENNER. Did you know him to be a member of the Communist Party before you went with the National Labor Relations Board?

Mr. RIEMER. No; I did not know it.

Mr. TAVENNER. After you became an employee of the National Labor Relations Board, what was the first occasion for a discussion of communism with Mr. Fuchs?

Mr. RIEMER. Shortly after I became an employee, and I cannot fix the time, it is just my impression now that he contacted me and asked me to meet with a group. I have no clear recollection of the incident, but that is my impression.

Mr. TAVENNER. A group of what?

Mr. RIEMER. It would have been a group of lawyers, members of the Communist Party.

Mr. TAVENNER. A group of lawyers who were members of the Communist Party?

Mr. RIEMER. That is right.

Mr. TAVENNER. Was that group confined to lawyers employed by the National Labor Relations Board?

Mr. RIEMER. I do not know whether he told me that, but that was the fact after I attended.

Mr. TAVENNER. Did you become a member of that group of the Communist Party?

Mr. RIEMER. I did.

Mr. TAVENNER. Approximately what was the date that you became a member?

Mr. RIEMER. I would say it was in January or February of 1940.

Mr. TAVENNER. How long did you remain a member?

Mr. RIEMER. I remained a member until the late spring or summer of 1943.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. RIEMER. I am not.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1943?

Mr. RIEMER. Absolutely not.

Mr. MOULDER. Was 1943 when your employment terminated with the National Labor Relations Board?

Mr. RIEMER. No; I terminated my employment with the Labor Board in September of 1947.

Mr. MOULDER. In other words, you disassociated yourself with the Communist group?

Mr. RIEMER. In the late spring or summer of 1943, and in July of 1943 I was commissioned in the Army, or took my oath, and I went on active duty I think in August.

Mr. TAVENNER. How long were you in the Army?

Mr. RIEMER. I came back in September of 1945.

Mr. TAVENNER. Did you reaffiliate with the Communist Party after your return from the service?

Mr. RIEMER. No, sir.

Mr. TAVENNER. Were you requested to?

Mr. RIEMER. It seems to me that during the summer of 1943, after I had dropped out of the Communist Party I was then asked at that time to account for my absences and to come back, and I refused at that time because when I took my oath in the Army I took it without fear or equivocation or any mental reservation, and I was through.

Mr. SCHERER. You realized then that there would have been a conflict of loyalties and obligations had you retained your membership in the Communist Party and at the same time served in the Army of the United States; is that right?

Mr. RIEMER. Yes, sir.

Mr. SCHERER. Your withdrawal from the Communist Party was almost simultaneous then with your acceptance of a commission in the Army of the United States?

Mr. RIEMER. Just about.

Mr. MOULDER. Probably Mr. Riemer would like to give some other explanations as to the reason why he terminated his association with the Communist Party cell referred to.

Mr. RIEMER. Yes, I would like to, Mr. Moulder. I want this committee to know that at no time did I ever participate in any intrigue or conspiracy against my Government.

I was a member of a professional group which confined itself almost entirely to a philosophical or intellectual exercise in Marxist doctrine. It did not take me long to discover that it was not for me. The party had no moral philosophy; its economic theories were fantastic. It was a party of disruption and discord, and it was contributing nothing to the good of the country. I just made up my mind to get out and get out good.

When I entered the Army as I said before, I took that oath as a commissioned officer without fear, equivocation or any mental reservations whatsoever. I never have gone back since, and I haven't had part or parcel of anything to do with the Communist Party since.

Mr. SCHERER. At the beginning of your testimony, Mr. Witness, you said your chief reason for joining the party was because you felt that the Communist Party was an agency in this world that was opposed to anti-Semitism. As I said when you made that statement, that testimony has been confirmed by a number of witnesses before this committee. Did you, like Professor Davis, who testified before this committee, find out that the Communist Party was not actually sincerely opposed to anti-Semitism?

Mr. RIEMER. That is right. The experiences in Birobidjan was one, and its policy with respect to Israel is another.



Mr. SCHERER. I recall Professor Davis, and if I keep on mentioning him, it is because I remember his name, but there were a number of others who testified before this committee who found that the Communist Party actually was as anti-Semitic as Hitler ever was.

Mr. RIEMER. I think that is correct.

Mr. MOULDER. Let us proceed.

Mr. TAVENNER. You were telling us of an effort made to get you back into the Communist Party before you entered the service, and to make you account for your absences. Who was that?

Mr. RIEMER. I think it was before I went in the Army; that is my recollection.

Mr. TAVENNER. Do you recall who it was?

Mr. RIEMER. Yes, sir. David Rein.

Mr. TAVENNER. David Rein was an attorney for the National Labor Relations Board. Do you know what his occupation is now?

Mr. RIEMER. He is an attorney or a practicing lawyer.

Mr. TAVENNER. In the city of Washington?

Mr. RIEMER. Yes, in Washington, D. C.

Mr. SCHERER. I think you know him, Mr. Tavenner.

Mr. TAVENNER. Yes.

Mr. SCHERER. You have had contact with the gentleman.

Mr. TAVENNER. I would like to go back and ask you a few more questions about your experience in this Communist Party cell within the National Labor Relations Board.

Were you given a card to show your membership, or did you sign a card?

Mr. RIEMER. No, sir.

Mr. TAVENNER. Do you know why no cards were required?

Mr. RIEMER. I do not know as a fact, and I can surmise that it was probably for reasons of secrecy.

Mr. TAVENNER. Did you discover whether there was more than one cell of the Communist Party at the NLRB?

Mr. RIEMER. No; I never discovered that. I had contact with only one group and it is only the personnel of that group that I know.

Mr. TAVENNER. Where did those individuals work?

Mr. RIEMER. They were all employees of the National Labor Relations Board.

Mr. TAVENNER. How many employees composed the group to which you were assigned?

Mr. RIEMER. At the most, 6 or 7.

Mr. TAVENNER. Then, if there were more people than that as shown by the evidence, to be in the Communist Party while employed by the National Labor Relations Board, it would be an indication that there was more than one cell?

Mr. RIEMER. Undoubtedly.

Mr. TAVENNER. Were all of these members in your group lawyers? Possibly you can answer that question better by just giving us the names of those who were in your group, and then giving such descriptive information as you can regarding them.

Mr. RIEMER. There was Mr. Fuchs; he was an attorney. There was Mr. Rein, and he was an attorney.

Mr. TAVENNER. Is that David Rein?

Mr. RIEMER. That is right. There was Martin Kurasch, Joseph Robison, and Harry Cooper; they were all attorneys. And then there was myself.

Mr. TAVENNER. Do you recall a person by the name of Donner?

Mr. RIEMER. Oh, yes; Frank Donner.

Mr. TAVENNER. Was he a member of your group?

Mr. RIEMER. He was a member, and he was an attorney.

Mr. TAVENNER. Then all of these individuals in your group were attorneys?

Mr. RIEMER. That is right.

Mr. TAVENNER. Were they all employed in the same section of the National Labor Relations Board?

Mr. RIEMER. That I do not know. I was in the Trial Examiners Division, and these other names that I have mentioned were attorneys, but whether they were all in the same section or not I really do not know.

Mr. TAVENNER. Do you recall bringing any new members into your group after you became a member?

Mr. RIEMER. No, sir. You see, I was absent from Washington frequently for long periods of time, during which time I would not attend meetings. What happened in my absence, of course, I cannot account for.

Mr. MOULDER. Approximately how many meetings of that group did you attend?

Mr. RIEMER. Over a period, that is hard to say. Do you mean in Washington?

Mr. MOULDER. Yes.

Mr. RIEMER. I would say 25 or 30.

Mr. MOULDER. Mr. Tavenner, did you intend to interrogate the witness about the other names mentioned by Mr. Fuchs?

Mr. TAVENNER. He said he was not a member with those other persons.

Mr. MOULDER. I observe that some of the names he mentioned were also mentioned by Mr. Fuchs.

Mr. TAVENNER. All of them were.

Mr. MOULDER. The reason I raise that question is that possibly others attended meetings of the same cell when he was not present, that is the point.

Mr. TAVENNER. That is possible; yes. Were you here when Mr. Fuchs testified?

Mr. RIEMER. No, sir.

Mr. TAVENNER. Mr. Fuchs identified in all 17 persons employed at the National Labor Relations Board who were known to him to be members of the Communist Party. One for instance was Allan Rosenberg. Were you acquainted with Allan Rosenberg?

Mr. RIEMER. I knew him.

Mr. TAVENNER. Was he a member of your group of the Communist Party?

Mr. RIEMER. I did not know him as a member of the Communist Party.

Mr. TAVENNER. According to Mr. Fuchs' testimony, it would indicate that there was overlapping in these groups, and that individuals were assigned from one group to another. Were you ever transferred from one group to another?

Mr. RIEMER. That could be. No; I was never transferred. I stayed with that one group, and it seems to me at one time that Mr. Cooper dropped out.



Mr. TAVENNER. When you say he dropped out, do you know whether he was assigned at that time to some other group within the National Labor Relations Board, or whether he ceased to be a member of the Communist Party?

Mr. RIEMER. That I do not know. It was my impression that he had resigned from the Board and gone back home to practice law.

Mr. WILLIS. You said you made trips frequently. Were those trips to the field offices of the National Labor Relations Board?

Mr. RIEMER. No; I made these trips, Mr. Willis, to conduct hearings which were held in the various regions of the Board throughout the United States. For example, a hearing might be held in Chicago.

Mr. TAVENNER. Did you hear mentioned in the course of any of your meetings a person referred to as "Mike"?

Mr. RIEMER. No, sir.

Mr. TAVENNER. Did you ever hear a person referred to as "the chief"?

Mr. RIEMER. Yes; I think that Mr. Fuchs on occasion would use that expression, that he would talk to the boss or talk to the chief, but I cannot recall him ever using the word "Mike."

Mr. TAVENNER. Did you learn who the chief was?

Mr. RIEMER. No; frankly I was not interested.

Mr. TAVENNER. Did the chief attend any meeting at which you were present?

Mr. RIEMER. Not at any meeting at which I was present.

Mr. TAVENNER. Was it your understanding that the chief was an employee of the National Labor Relations Board, or a functionary of the Communist Party outside of the National Labor Relations Board?

Mr. RIEMER. I had the impression that he was a functionary outside the National Labor Relations Board.

Mr. TAVENNER. Were you acquainted with Victor Perlo?

Mr. RIEMER. No; I never knew him, or I never met him.

Mr. TAVENNER. Were you acquainted with Arthur Stein?

Mr. RIEMER. No; I never knew him and I never met him.

Mr. MOULDER. Could you give us a statement briefly concerning the activities and discussions of this group at the meetings you say you attended?

Mr. RIEMER. Again, Mr. Moulder, it was almost parallel to my experiences in New York; that is, except that in point of time, there were different current political developments in 1941 and 1942 than there had been back in 1935 and 1936. The war was on for one thing. But basically again it was primarily a discussion of Communist theory and policy in the light of current conditions.

Mr. MOULDER. Did you at any time discuss or consider any of your official actions or duties at your Communist Party meetings?

Mr. RIEMER. There was never any attempt or design on the part of this group to manipulate the Board in any way or to control its policies, doctrines, or decisions.

I remember one occasion you asked me what the group did—it must have been after June of 1941 because it was related to the invasion of Russia. We spent an evening discussing a book recently published and extensively reviewed concerning Sherman's March to the Sea in 1864, and the theory was advanced that Sherman had laid down the scorched earth policy in his march, and that was similar to what the Russians were doing on their retreat into Russia.

That was the sort of thing, or at least on that occasion we discussed it, and it had no connection with the Board and was not related to it.

Mr. MOULDER. Did any Communist Party leader or a higher functionary of the Communist Party appear at your meetings to discuss, advise, or instruct in any way?

Mr. RIEMER. No. I have the feeling that that was, as a matter of policy, something to be avoided.

Mr. SCHERER. May I ask a question?

Mr. MOULDER. Yes.

Mr. SCHERER. You said that Mr. Fuchs referred to "the chief," and then from Fuchs' conversation did you gather that he had contact with the chief or that he was the liaison man?

Mr. RIEMER. I would assume so. If the man said: "I will take it up with the chief or take it up with the boss," the natural conclusion is that he had some approach to him.

Mr. SCHERER. Did you consider, then, Fuchs as the liaison man between your group and the chief?

Mr. RIEMER. I do not think that I did at that time. Of recent weeks when I have been forced to think about this more concisely, and relate it back, of course, I do now.

Mr. MOULDER. We will have to proceed more rapidly if we are going to hear five witnesses today. Are there any further questions of this witness?

Mr. TAVENNER. I understand from your testimony that since you withdrew from the Communist Party, you have not engaged in any Communist Party activities.

Mr. RIEMER. That is correct.

Mr. TAVENNER. And of course, your break with the Communist Party is final and complete?

Mr. RIEMER. Final and binding.

Mr. TAVENNER. If there is any other point you desire to cover regarding your withdrawal from the Communist Party, you are now at liberty to so state.

Mr. RIEMER. I think that I have covered it, Mr. Tavenner.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Are there any further questions?

Mr. SCHERER. Mr. Chairman, I think the witness is to be complimented on his fine testimony, and I think he has been extremely helpful to the Government and to this committee. There is one phase of your testimony, Mr. Riemer, that I think is more important than perhaps you realize. At this time I will not refer to that part of your testimony. I think that you have rendered a fine public service, and of course, there should be no recriminations in your hometown against you at all for what you have done here today. I sincerely hope that there will be none.

Mr. WILLIS. Mr. Chairman, I do not have any questions, but I do want to join in the statement made by our colleague from Ohio, Mr. Scherer. I think this witness has demonstrated fortitude and courage to voluntarily throw some light on his associations with the Communist Party. He has rendered valuable service to the committee and to us of the Congress and the people. I particularly agree with Mr. Scherer that there should not be, and I hope there will not be, any recriminations or any repercussions as a result of his demonstra-

tion of courage, particularly not from the people of his area or from his clientele as a lawyer. I know it is a sensitive thing with all lawyers, and I wish the witness well.

Mr. MOULDER. I concur with the statements made by other members of the committee. I want to ask you one question.

Are you married?

Mr. RIEMER. Yes, sir.

Mr. MOULDER. Do you have any children?

Mr. RIEMER. Yes, sir; I have three children.

Mr. MOULDER. How long did you serve in the Armed Forces?

Mr. RIEMER. I went on active duty, I think, sir, in August of 1943, and I was honorably discharged just about Christmas of 1945. I went overseas as a captain and came back as a major.

Mr. MOULDER. We express our appreciation for your appearance here.

Mr. BURKE. I would like to thank the chairman for the courtesy extended to Mr. Riemer and to me, and I would like to say as a practicing lawyer in Cleveland that Mr. Riemer has practiced his profession honorably for many years, and if I did not have the conviction that he had completely renounced the Communist Party for 14 years I would not be here today.

Mr. SCHERER. I am sure that is true, Senator.

Mr. BURKE. Thank you very much.

Mr. MOULDER. Thank you very much, Mr. Riemer; you are excused as a witness.

Mr. TAVENNER. I will call Mr. Lester Asher.

Mr. MOULDER. Do you solemnly swear that the testimony given by you before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ASHER. I do.

### TESTIMONY OF LESTER ASHER

Mr. TAVENNER. What is your name please, sir?

Mr. ASHER. Lester Asher.

Mr. TAVENNER. When and where were you born, Mr. Asher?

Mr. ASHER. I was born in Chicago, in 1910.

Mr. TAVENNER. What is your present occupation?

Mr. ASHER. I am a lawyer here in Chicago.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mr. ASHER. I graduated from the University of Chicago as an undergraduate and took my law work in the University of Chicago also, at the University of Chicago Law School.

Mr. TAVENNER. When did you begin the practice of law?

Mr. ASHER. I began to practice law in 1933 with a firm here in Chicago.

Mr. TAVENNER. After engaging for a period in the practice of law, did you obtain employment in Washington, D. C.?

Mr. ASHER. Yes. I obtained employment with the National Labor Relations Board beginning in about October of 1937 which was the first time I ever worked for any Government agency, and the only time.



Mr. TAVENNER. How long did you remain employed by the National Labor Relations Board?

Mr. ASHER. I left the National Labor Relations Board in, I believe, May of 1945 at which time I returned to the practice here in Chicago.

Mr. TAVENNER. What was the nature of your employment with the National Labor Relations Board?

Mr. ASHER. I was employed by the National Labor Relations Board in Washington as a review attorney, and I was interviewed and hired by Nathan Witt who was at that time I believe the Assistant General Counsel, or whatever he was called in charge of the Review Division. I recall at the time that there were no routines or manuals telling you what your work was or anything of that kind, and Mr. Witt at the time I was hired or shortly thereafter mentioned to me that if I had any problems about my work or the things that I was expected to do, that there was an attorney in the office by the name of Kurasch, who knew the work and could be helpful to me.

Mr. SCHERER. What year were you interviewed?

Mr. ASHER. In 1937.

Mr. SCHERER. Did Nathan Witt say to you at that time that there were any restrictions on the hiring of lawyers as far as the law schools from which they graduated were concerned?

Mr. ASHER. I think not, I was from the University of Chicago.

Mr. TAVENNER. And he offered you the services of Mr. Kurasch, if you needed to consult anyone regarding a problem?

Mr. ASHER. Yes; he was not a supervisor but he had the office next to me if I recall, or two offices down, and he just said, "If you have any problems as to Government routine"—as a Government employee, even problems of leave, and of your hours and sick leave and things of that kind—there were no forms given, and no standards given and there was nothing that I recall at that time.

Mr. TAVENNER. What was Mr. Kurasch's first name?

Mr. ASHER. Martin.

Mr. TAVENNER. Did you become acquainted with Mr. Herbert Fuchs?

Mr. ASHER. Yes.

Mr. TAVENNER. How long after you assumed the duties of your position did you become acquainted with him?

Mr. ASHER. I recall that it was in the beginning of 1938. Fuchs came to the National Labor Relations Board and seemed to be a good friend of Mr. Kurasch, and since I very frequently went to lunch with Kurasch—I think Fuchs joined in going along to lunch—he was a friend of his and seemed to have known him from New York City.

Mr. TAVENNER. Did you have any discussions with Mr. Fuchs and Kurasch regarding the Communist Party?

Mr. ASHER. There were discussions regarding communism which were instituted by Fuchs in, I would say around May or sometime then in 1938. I recall that in about 1938, the end of my 6 months' period with the National Labor Relations Board which ended about April or May, that something happened which struck me at the time. I recall that the Board had worked out a policy with the lawyers where you would get a wage increase automatically at the conclusion of 6 months' service if your service was satisfactory. This was supposed to be a small wage increase. I think it was \$200, which was at that time to me extremely big money. I was one of the few

fellows in the Review Division at the time who had a child, and I had a baby. I remember when the baby arrived in the latter part of 1937, I was the first one to pass out cigars. When my 6 months finished, I did not get the raise.

I remember at the time that I discussed that with Kurasch and Fuchs at a luncheon date that we had, and I said that I wondered what I had to do about that raise. Fuchs said that he would take up the matter. I do not recall whether he was on the union grievance committee, or whether he just said he would do that. He came back a few days after that, and reported that it had merely been an oversight, and Tom Emerson said they had overlooked my file and I would get the raise, and therefore I got the raise.

Mr. TAVENNER. However, prior to that time, had they discussed the matter of communism with you?

Mr. ASHER. They had not; it was right after that, at a luncheon with me, it was Fuchs alone. Fuchs at that time told me he felt that I was doing good work with the Board, was a good lawyer, but that I did not know anything about labor theory and labor philosophy, or had no background in the labor movement. I had in fact never taken a course in labor law at college, this was a field that I approached as a lawyer.

Fuchs over several luncheons told me that he felt that I could go places with the Board and that he expected to become a supervisor in the Review Division at any time—subsequently he did. At that time he pointed out to me that Kurasch had become Witt's assistant, and Witt having moved over to the secretaryship of the Board, and the name of Witt was dropped very frequently, that he was pushing Kurasch, and that Fuchs was going to get this supervisory position. He mentioned to me that he felt that I should learn something about the labor movement and about the background of labor unions, and how it all fitted into a scheme of labor philosophy.

He mentioned at one of these luncheons that he personally believed in communism, and felt that Communist theory and Marxist theory tied together the labor movement and what was going on in the labor movement, and the Labor Board, and its activities under that. He said to me that he would like to have me devote a few evenings to discussing these things with him as to labor background, and would I devote some time to that subject. I told him that I was not interested. So at a series of subsequent luncheons he kept pounding away at this problem that he could be very helpful to me at the Board, if only I learned something, and I did not have the background and I was actually pretty naive about labor problems. This kept up over a series of, I would say 4 or 5 weeks.

After I told him that I was not interested, it was at one luncheon that Kurasch joined him and said that he also was very sympathetic to Communist and Marxist philosophy and it had helped him understand the labor movement, and that he felt that it would be a good idea if I would devote some time to study.

Mr. SCHERER. Who was this individual?

Mr. ASHER. Kurasch.

Mr. SCHERER. What was his position at that time?

Mr. ASHER. The assistant to Nathan Witt.

Mr. SCHERER. What was Witt's position?

Mr. ASHER. Secretary of the Board.

Mr. SCHERER. We have the Secretary and the Assistant Secretary of the NLRB who were Communists at that time.

Mr. ASHER. I again told Kurasch and Fuchs that I was not interested. After a series of such discussions to the effect that it was important that I learn something about the theory of the labor movement, and matters of that kind, at one point Fuchs, I believe, alone, said to me that if I would devote an evening or two to the study of the labor problems, that he could have Ruth Weyand join us in these discussions, because Ruth Weyand was also very sympathetic and knew a great deal about communism.

Mr. TAVENNER. Didn't he go further than that, and tell you that Ruth Weyand was a member of the Communist Party?

Mr. ASHER. I believe he said that; that is correct.

Mr. SCHERER. What was her position on the Board?

Mr. ASHER. She had been hired by the Board, I believe early in 1938, as an attorney in the briefing section, and was writing briefs for the Board. That was an adjacent Legal Division, and there was a Review Division and the Briefing Division. She was in the Briefing Division.

Mr. SCHERER. She became one of the top lawyers of the agency; didn't she?

Mr. ASHER. That is correct.

Mr. SCHERER. May I interrupt you, please. She argued some of the most important cases that the Board had before the Supreme Court; didn't she?

Mr. ASHER. Yes.

Mr. SCHERER. Do you know which specific cases she argued before the Supreme Court on behalf of the Board?

Mr. ASHER. I cannot recall at this moment. I do know, however, many of the leading cases in the field that she argued before the Supreme Court.

Mr. SCHERER. For the National Labor Relations Board?

Mr. ASHER. Yes; on behalf of the Board.

Mr. TAVENNER. Not only were you told that Ruth Weyand was a member of the Communist Party, but Fuchs told you that he himself was a member of the Communist Party; didn't he?

Mr. ASHER. He was very sympathetic to it.

Mr. TAVENNER. Mr. Kurasch also told you he was a member of the Communist Party; didn't he?

Mr. ASHER. I want to be clear on this. It goes back almost 18 years. I am not sure whether he mentioned it or whether Fuchs said that, as to Kurasch.

Mr. TAVENNER. But regardless of which one said it, you knew at that time from what you had heard that Kurasch and Fuchs were members of the Communist Party?

Mr. ASHER. Yes; they put it in terms of this: Fuchs always put it in terms that he was sympathetic to and believed in this philosophy.

Mr. SCHERER. When did you find out that Nathan Witt was a member of the Communist Party?



Mr. ASHER. I personally have no evidence or proof of that.

Mr. SCHERER. You later learned of it; didn't you?

Mr. ASHER. I think it was a general feeling around the Board, I think throughout that period.

Mr. SCHERER. What was that?

Mr. ASHER. That he was.

Mr. SCHERER. There was a feeling then. Now, subsequent to your leaving the Board, you learned from testimony, like all of us, that he was a member of the Communist Party; did you not?

Mr. ASHER. That is right.

Mr. TAVENNER. But you never attended a Communist Party meeting with Nathan Witt; did you?

Mr. ASHER. I did not.

Mr. TAVENNER. And neither have we found that any of these other members were ever in attendance at a Communist Party meeting with Nathan Witt:

Mr. SCHERER. There is no question about his membership in the Communist Party though.

Mr. TAVENNER. That is right.

Mr. SCHERER. There is an overabundance of evidence; isn't there?

Mr. TAVENNER. That is right.

Mr. SCHERER. I understand that, but there is no question about the fact that Nathan Witt was a member of the Communist Party.

Mr. TAVENNER. That is right, sir.

You say you were told that Ruth Weyand was a member of the Communist Party. What effect did that have upon you?

Mr. ASHER. I was very much impressed at the mention of Miss Weyand's name. She had graduated from law school with me in Chicago, and she was about the first or second student in the law school class, and was a better student than I was. I had a great deal of respect for her legal ability, and tremendous respect for her.

Mr. TAVENNER. When you were informed that she was a member of the Communist Party what did you tell Mr. Fuchs or Mr. Kurasch you would do about joining?

Mr. ASHER. They never talked to me in terms of joining any party. It was all talk of would I spend an evening studying the problems of the Labor Board and the labor movement and the basis of learning something about the theory of the labor movement and how it fitted into the scheme of their philosophy? I think that Mr. Fuchs felt that in talking to me, and my saying I did not want to discuss these problems with him—

Mr. MOULDER. I cannot understand your attitude. Why wouldn't you be interested in discussing those problems and those questions which were so closely related to your employment?

Mr. ASHER. Because at that time as Fuchs raised these problems, I told him, as he mentioned he was sympathetic to communism, and that I was religious, and I had always felt this was opposed to religion, and he would say, "Well, you are wrong, that shows you know nothing about the theory, and you know nothing about this background, and you should learn something about it."

Mr. MOULDER. I understand your explanation is that you assumed it was in connection with the Communist Party movement, and that is the reason you did not want to go into it.

Mr. ASHER. It was in terms of communism which I was opposed to.

Mr. SCHERER. You understood from your conversations with Fuchs, and Kurasch that the philosophy they were going to teach you in respect to labor problems and labor relations was the Communist viewpoint?

Mr. ASHER. They mentioned communism and Marxism as a philosophy they believed in.

Mr. MOULDER. That was not made clear by you in the beginning when you said you were not interested.

Mr. ASHER. Then I remember this went on in innumerable luncheon discussions and I raised the point that I felt they were too much interested in Russia, and they were not sufficiently interested in American problems. His answer would be, "That shows that you do not understand this, and you have picked up clichés, and you ought to learn something about it."

Mr. WILLIS. Clichés such as Americanism?

Mr. ASHER. That is right.

Mr. TAVENNER. As a result of your finally learning that Ruth Weyand was one of the members of the Communist Party, you decided that you would attend the meetings, didn't you?

Mr. ASHER. No, it did not happen that way. I do not recall the exact details, but I recall at this time that Fuchs asked if I would drop in to see Ruth Weyand's new apartment in Washington, which she had furnished, and I recalled that I dropped in one evening to see this apartment which she showed off with great pleasure as being very handsomely furnished, and it was. At the time I dropped over that evening, there was Fuchs and Kurasch with Miss Weyand and there was Joe Robison and Allan Rosenberg there.

Mr. SCHERER. Did you say it was a luxurious apartment?

Mr. ASHER. I thought it was pretty fancy as of that time.

Mr. SCHERER. What was her salary in the Government?

Mr. ASHER. I do not recall, but I do recall when she started with the Board that the salary was higher than the level at which I had started.

Mr. SCHERER. Approximately what would it be?

Mr. ASHER. About \$4,600.

Mr. SCHERER. A year?

Mr. ASHER. That is right.

Mr. SCHERER. Was she a practicing lawyer before she went with the Board?

Mr. ASHER. Yes.

Mr. SCHERER. About how many years had she practiced?

Mr. ASHER. I would say 4 or 5 years.

Mr. SCHERER. During what period was that?

Mr. ASHER. From about 1933 until I think, it was about 1938 that she must have started with the National Labor Relations Board.

Mr. SCHERER. Those were the bad years for lawyers.

Mr. ASHER. Those were the depression years.

Mr. TAVENNER. When you arrived at Ruth Weyand's apartment, you found Martin Kurasch, Mr. Fuchs, Allan Rosenberg, and Joe Robison there?

Mr. ASHER. That is right.

Mr. TAVENNER. How many of these meetings did you attend?

Mr. ASHER. There were three evenings of that kind entirely that I ever attended, and this was during, I believe, about June, July, and



August, or in that period, of 1938. I am trying to recollect as best as I can. I am quite certain no more than 3; there may have been 4, but I believe 3.

Mr. TAVENNER. The first meeting was at the home of Ruth Weyand. Where was the next meeting held?

Mr. ASHER. At Miss Weyand's home, she showed off her apartment and then I remember she talked about several pending National Labor Relations Board decisions, and that was the discussion.

Mr. TAVENNER. I am coming to that presently.

Mr. ASHER. The next evening, I don't recall at whose home it was, it may have been Fuchs'. The third and the last evening that I can remember was at my home, and Mr. Fuchs had asked did I mind if he dropped in to my house.

Mr. TAVENNER. Was one of the meetings held at the home of Allan Rosenberg?

Mr. ASHER. I do recall that.

Mr. TAVENNER. In fact, wasn't the second meeting held at the home of Allan Rosenberg, instead of Mr. Fuchs' home?

Mr. ASHER. It may have been.

Mr. TAVENNER. Very well, and the third meeting at your house?

Mr. ASHER. That is correct.

Mr. TAVENNER. Let us go back to the first of those meetings. Were you asked to sign a card or anything of that character?

Mr. ASHER. I was not asked to sign a card and I was not asked to pay any money and I never gave them a nickel or a penny.

Mr. TAVENNER. What occurred at these meetings?

Mr. ASHER. After Miss Weyand showed her apartment, I remember there was talk—mostly discussion by Miss Weyand—of a decision which the National Labor Relations Board had either decided at that time, or was about to decide—that was the Fansteel case in which Miss Weyand pointed out that the way the Board had written up that decision, that she didn't think it made sense, and that the Board stood a chance of losing that in the courts. Subsequently, they did. There was a discussion about the Board's decision, the case, and things of that kind.

Mr. SCHERER. Did she present that case to the courts for the Government on behalf of the National Labor Relations Board?

Mr. ASHER. I don't recall; I wouldn't know.

Mr. SCHERER. If she did, I can see how they lost it.

Mr. ASHER. The discussions of the three evenings that I attended were all primarily on Board problems and Board cases. The exception as I recall is this: I believe it was the second evening when Miss Weyand read a statute which she had drafted, and it was a long elaborate statute which stuck in my mind. It was a statute which involved the Government ownership, I believe, of railroads similar to Government operations of post offices. It was a very long and a very elaborate statute which she read. After that evening I recall that the next day or so I got ahold of Mr. Fuchs, and I said, "This doesn't make sense to me. You have talked about learning something about the Board and I don't see what railroads have to do with the Board. I for one know nothing about railroads, and I do not think that Miss Weyand knows anything about railroads. I cannot understand this whole problem of a railroad statute." I said, "Furthermore, as I

understand it, the railroad brotherhoods are not interested in Government operation of railroads, and it makes no sense to me."

He said, "Well, you listen, Ruth did a brilliant job. That was a brilliant legal statute, and you can learn a great deal by it."

Mr. SCHERER. They were interested then in Government ownership of the railroads?

Mr. ASHER. That was the statute that had been drafted, and it was a great deal of work. As I recall it was a very elaborate statute.

Mr. TAVENNER. Was any time devoted at any of these meetings to the study of Communist Party periodicals or literature?

Mr. ASHER. I remember that at Miss Weyand's apartment, this first time that I was there, that the discussion indicated that they had finished the reading of some Marxist document, or some Marxist book, because there was a reference back to, "Well, this is similar to that book that we had read." But during these three gatherings that I attended there was no book or volume that was under consideration. It was pretty much entirely problems of the Labor Board, and this one evening I think we discussed, as I recall, this long railroad statute.

Mr. TAVENNER. During the discussions that took place at these meetings, was any reference made to higher authority than the group that was meeting?

Mr. ASHER. I recall that when there were references to Labor Board problems or situations, such as that the Board theory was wrong on a certain case or a certain theory of law, Fuchs on at least two occasions would wind up discussions by saying this: "Well, I will take that up with Mike." That was a reference that he made, I believe on 1 or 2 occasions.

Mr. TAVENNER. Were those matters which dealt with the Board itself?

Mr. ASHER. That is correct.

Mr. TAVENNER. And the policies of the Board?

Mr. ASHER. That is right.

Mr. TAVENNER. Mr. Fuchs so testified.

Mr. SCHERER. What was the name of that case in which the Weyand woman disagreed so violently with the Board?

Mr. ASHER. I do not think it was disagreement with the ruling of the Board, but disagreement with the way the Board had approached it or written up the facts. That was the Fansteel case.

Mr. SCHERER. How do you spell it?

Mr. ASHER. F-a-n-s-t-e-e-l.

Mr. SCHERER. Was that one of the matters taken up with Mike?

Mr. ASHER. I do not recall. I just remember Fuchs used that expression as a sort of a conclusion, to several discussions of the Board problems, I believe on about two occasions.

Mr. TAVENNER. That he would have to consult Mike?

Mr. ASHER. Or that he would take that up with Mike.

Mr. TAVENNER. Did he ever bring Mike's decision back to you?

Mr. ASHER. No, there was never any followup.

Mr. TAVENNER. You did not stay in long enough?

Mr. ASHER. That is right.

Mr. TAVENNER. Who was Mike?

Mr. ASHER. I have no concrete proof or evidence. It was always my hunch that it was Nathan Witt, but that was just a feeling that I had.

Mr. TAVENNER. Was that your hunch because you felt that Nathan Witt was a member of the Communist Party?

Mr. ASHER. Yes, and I felt that these were all Board problems and it would have to be taken up with someone who knew the Board.

Mr. TAVENNER. Would you be surprised to learn that Mike was not in any way connected with the Board itself but was a functionary of the Communist Party who had never been employed by the National Labor Relations Board?

Mr. ASHER. I was so advised by a representative of the committee and I was surprised.

Mr. TAVENNER. You knew that these were Communist Party meetings; didn't you?

Mr. ASHER. I did not.

Mr. TAVENNER. You did not know?

Mr. ASHER. I felt that Fuchs might have been a Communist as he said he was, but that he was, as I felt, putting it on the level that he was trying to teach me something about the Board and its work, and its operations.

Mr. TAVENNER. You have said that Fuchs had told you on a number of occasions that certain questions in your mind regarding communism would be cleared up if you made certain studies, and he told you he was a member of the Communist Party; he told you that Kurasch was a member of the Communist Party; and he told you Ruth Weyand was a member of the Communist Party. It was only then—you had refused to go to any of these meetings because of communism, but finally when you found that Ruth Weyand had been represented to you to be a member of the Communist Party, you went.

Mr. MOULDER. I do not understand his testimony. I understand you accidentally dropped in to see this apartment where these other people happened to be. Is that your testimony?

Mr. TAVENNER. You went there at the invitation of Fuchs, as I understand.

Mr. ASHER. He asked me would I drop in to see Ruth Weyand's apartment.

Mr. TAVENNER. That was at the invitation of Fuchs?

Mr. ASHER. Yes, sir.

Mr. TAVENNER. Was it at that meeting when they were winding up the discussion of some Marxist publication?

Mr. ASHER. The discussion indicated that they had been studying a Marxist publication.

Mr. TAVENNER. There was no doubt in your mind but what that was a Communist Party meeting, was there?

Mr. ASHER. Well, let me put it this way: Fuchs attempted to give me the idea that the idea of a party or apparatus or something of that kind he was not talking to me about at all. He knew that that froze me up the minute he even mentioned such a thing. He was talking in terms of a philosophy or a theory that he wanted me to learn as a sort of a learning process.

Mr. SCHERER. Whether it was a party meeting or not, it was a meeting of Communists.

Mr. MOULDER. May I straighten out the record and my understanding of the testimony. As I recall, the first time you visited the apartment was to see the apartment, and you were impressed with the fancy furniture and so on, and then a day or two later or at some time



later during that same week, you returned. Is that the way I am to understand it?

Mr. ASHER. No, right at the same time she showed the apartment, we sat around and we talked about this.

Mr. SCHERER. Were there subsequent meetings of this same group, that you attended at which there were similar discussions?

Mr. ASHER. There were two other meetings.

Mr. WILLIS. There were three meetings in all?

Mr. ASHER. That is right.

Mr. WILLIS. You never paid any dues?

Mr. ASHER. I never paid any dues and I never was asked for any money and I never paid any money.

Mr. TAVENNER. At this third meeting which was held at your home, was there any discussion with Fuchs which appeared to be unusual? That is, appeared to you to be unusual under the circumstances?

Mr. ASHER. At this third gathering at my house there were several things that I subsequently discussed with Fuchs. First of all as I recall he brought with him a David Rein who as I recall at the time, I didn't even know if he was employed by the Board or was planning to be, and I do not know the exact time in which he started working for the Board. I subsequently told Mr. Fuchs that I did not know Rein from Adam, and it did not seem to me to make sense, that with his talking to me about studying Labor Board problems and Labor Board cases, how he could bring someone into the house who had not worked for the Board to participate in such a discussion, and it did not make sense to me at all.

Mr. TAVENNER. Actually wasn't it because you resented a stranger being brought into a Communist Party meeting without your knowing who that stranger was?

Mr. ASHER. No. He talked to me in terms of Labor Board theories and problems, and this fellow was not with the Labor Board, and I felt he knew nothing about the Labor Board.

Mr. TAVENNER. And you resented his being there?

Mr. ASHER. That is right, and I told him I didn't think that made sense, if he was talking to me in terms of Labor Board activities, to bring in somebody who was not with the Labor Board.

Mr. TAVENNER. You found out later that David Rein was employed by the National Labor Relations Board, at that time or shortly thereafter?

Mr. ASHER. That is correct.

Mr. TAVENNER. You also learned David Rein was a member of the Communist Party; did you not?

Mr. ASHER. I did not. All I know is the background of Mr. Rein since he has been practicing law.

Mr. TAVENNER. What did you tell Fuchs about bringing in David Rein, who was a stranger to you?

Mr. ASHER. I told him that I could not see how he could tell me that we were to discuss Labor Board situations, or Labor Board problems, and bring in somebody who knew nothing about the Labor Board. At that same evening, my wife was in an adjoining sort of



alcove, and I think several times during the course of the evening she whistled while she was reading a book and when we finished the discussion of some Labor Board problems or some situations, my wife served coffee, cake, and ice cream. It was in the summertime. Fuchs was livid. He asked me whether my wife had been in the adjoining room, and I said, "Of course." He asked what was this business of serving coffee and cake and ice cream. And I said, "Well, people come to my house, and I serve them, that is the way I always do business." He said some remark, that that was complete stupidity, some remark of that kind.

Mr. SCHERER. Why was it stupid?

Mr. ASHER. I think that he had sinister ideas, and he had an apparatus that he had in mind, which I did not have in mind; and I saw nothing sinister about these discussions and having my wife serve. He, I believe, on the other hand, saw that there was something sinister in this situation.

Mr. SCHERER. Was he objecting to the fact that your wife heard what transpired at the meeting, or what was the objection?

Mr. ASHER. I think that he was objecting to my wife even being anywhere around.

Mr. SCHERER. Was there specific objection to the refreshments, or the type of the refreshments?

Mr. ASHER. Not to the type of refreshments, and I think the refreshments were good.

Mr. SCHERER. Perhaps I did not understand.

Mr. MOULDER. Perhaps you were conducting yourself as a capitalist in serving ice cream. But let us proceed.

Mr. TAVENNER. Tell us just what you told Mr. Fuchs, and then what occurred?

Mr. ASHER. I told Mr. Fuchs that it did not make sense to me for him to talk to me about discussing Labor Board problems and learning something about the Labor Board and the labor movement and then he brings in a fellow who has not worked for the Board and has no background in Labor Board problems and Labor Board cases, and I couldn't understand that.

Within a few days after, or a short period after the evening at my home, Fuchs came up to me at the Board, I believe, and said that we are holding no more meetings, "and as far as you are concerned, there are no more meetings or discussions."

Mr. TAVENNER. In other words, you were out.

Mr. SCHERER. Without a hearing.

Mr. WILLIS. When he said you were out, according to you, did you ever get in?

Mr. ASHER. He did not say, "out," he merely said, "there are no more meetings as far as you are concerned," and I never felt that I was in anything. I had given him no money, nor had I taken any pledges or oaths, and as far as I knew, he was trying to talk to me of a philosophy or a discussion of things and—

Mr. WILLIS. I have been very much impressed with your testimony factually, except the last part there about the ice cream and the cake

deal. When he tells you that such a procedure in your home was stupidity, how could you help but know that you were in a Communist meeting, or business?

Mr. ASHER. It was at that time that he told me there were not to be any more, and it was right about that time when I started making applications for transfer out of Washington, to get out of Washington and to get into the field.

Mr. WILLIS. I thought he had told you that there were to be no more meetings, and you said a few days after the meeting at your house——

Mr. ASHER. Well, there was a period in there in which we had, I think, argued about Rein, and about my wife serving, to which he took objection.

Mr. SCHERER. I think we understand what happened, and it is pretty clear. He was just halfway in. They were trying to get him all of the way in.

Mr. WILLIS. I think that he found out that you were not the right material or the right timber, probably.

Mr. TAVENNER. Had you ever met David Rein before that night when he appeared at this meeting?

Mr. ASHER. No, sir.

Mr. TAVENNER. How did you know then whether or not he was employed by the National Labor Relations Board?

Mr. ASHER. Because I think that they mentioned he was looking for a job, or he was contemplating it or something of that kind. I never saw him around the Board.

Mr. TAVENNER. What was the date of that meeting?

Mr. ASHER. It was in 1938, August or September, in about that time, as best as I can recall.

Mr. TAVENNER. Who told you that he was not employed by the Board?

Mr. ASHER. I believe it was Fuchs, who said, "This is David Rein whom I have known in New York, he is either going to work for the Board or work in Washington," and there was some such remark as a preliminary.

Mr. TAVENNER. So after he was vouched for by Mr. Fuchs, you were unwilling to have him present?

Mr. ASHER. That is right.

Mr. MOULDER. I wish to make this statement to you, Mr. Asher. From my observation and understanding of your testimony, I believe you were a victim of entrapment and circumstances which existed at the time. That should not reflect upon you professionally or as a person.

Mr. ASHER. Thank you, Mr. Congressman.

Mr. MOULDER. There is nothing in the record in conflict with what you have said before this committee and in fact, it is corroborative of what Professor Fuchs himself said, that you happened to attend a meeting or two, and then you said that you had enough of it, and you did not want to see any more of it.

Mr. ASHER. I would merely like to state for the record——

Mr. MOULDER. I would like to ask you one question: Are you now or have you ever been a member of the Communist Party?

Mr. ASHER. I am not, and I have never been.

Mr. MOULDER. I also wish to express to you my appreciation for your testimony and the information you have given to this committee. And, as I say, there is no evidence concerning you as a Communist.

Mr. SCHERER. What was Professor Fuchs' testimony about it; and what did he say? My recollection is in conflict with the chairman's.

Mr. TAVENNER. He said he was in and out of the Communist Party, and that this witness did not want any more of it. That is about the way he expressed it.

Mr. MOULDER. Something like that.

Mr. ASHER. I would merely like to state that I have been practicing law here in Chicago for the past 11 years, and my practice has been predominantly in the representation of AFL unions, during which time I believe we have done a very effective job, in many cases knocking the ears off Communist-controlled unions and that has been our practice in many cases, and our record is very clear on the type of practice we have engaged in, in the labor movement.

Mr. WILLIS. While you were testifying, I whispered to the present chairman that I was impressed with the way you were handling yourself on the witness stand. You say that you have been representing AFL unions?

Mr. ASHER. Yes, sir; entirely, that is correct.

Mr. WILLIS. I hope that they will appreciate your appearance here and that there will be no misunderstanding or repercussions in your practice of the law.

Mr. ASHER. Thank you, Congressman.

Mr. MOULDER. Thank you. The witness is excused.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:35 p. m. the committee recessed, to reconvene at 2 p. m.)

#### AFTERNOON SESSION, DECEMBER 14, 1955

(The hearing was resumed at 2 p. m., with Representatives Moulder (chairman), Willis, and Scherer being present.)

Mr. MOULDER. Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes. Mr. Allen Heald, will you come forward, please?

Mr. MOULDER. Do you solemnly swear that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HEALD. I do.

#### TESTIMONY OF ALLEN HEALD, ACCOMPANIED BY COUNSEL, WILLIAM H. DILLON

Mr. TAVENNER. What is your name, please sir?

Mr. HEALD. Allen Heald.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. DILLON. William H. Dillon, Chicago, Ill.

Mr. TAVENNER. When and where were you born, Mr. Heald?

Mr. HEALD. At South English, Iowa, on December 21, 1904.

Mr. TAVENNER. What is your present occupation?

Mr. HEALD. I am an attorney.

Mr. TAVENNER. Where do you reside?

Mr. HEALD. Cedar Rapids, Iowa.

Mr. TAVENNER. Will you tell the committee, what your formal educational training has been?

Mr. HEALD. I attended public schools in Iowa; and I attended the University of Chicago, both college and law school.

Mr. TAVENNER. When did you complete your law course at the University of Chicago?

Mr. HEALD. In 1930.

Mr. TAVENNER. Did you then engage in the practice of law?

Mr. HEALD. Yes.

Mr. TAVENNER. After a period of time, were you employed by the National Labor Relations Board?

Mr. HEALD. Yes.

Mr. TAVENNER. When did your employment begin?

Mr. HEALD. It began in 1937.

Mr. TAVENNER. Can you give us the month?

Mr. HEALD. I believe it was June.

Mr. TAVENNER. Where were you stationed?

Mr. HEALD. Washington, D. C.

Mr. TAVENNER. What was your title or the nature of your position?

Mr. HEALD. I was an attorney and my work consisted of briefing; briefing in cases before the courts.

Mr. TAVENNER. Did you work under Ruth Weyand?

Mr. HEALD. No.

Mr. TAVENNER. Did you work in a separate department from her?

Mr. HEALD. She was also in the briefing department.

Mr. TAVENNER. In the same department that you were in?

Mr. HEALD. That is right.

Mr. TAVENNER. How long did you remain employed by the NLRB?

Mr. HEALD. Until about January of 1941.

Mr. TAVENNER. What was your next employment?

Mr. HEALD. At the United States Housing Authority.

Mr. TAVENNER. Where?

Mr. HEALD. At Washington, D. C.

Mr. TAVENNER. What was the nature of that employment?

Mr. HEALD. I worked on the preparation of the legal setup for local housing authorities, particularly those of counties, county housing authorities which engaged in rural-housing programs.

Mr. TAVENNER. How long did that employment last?

Mr. HEALD. About a year.

Mr. TAVENNER. What was your next employment?

Mr. HEALD. At the OPA.

Mr. TAVENNER. Where?

Mr. HEALD. In Chicago.

Mr. TAVENNER. What time did that employment begin and end?

Mr. HEALD. It began about February of 1942 and it ended, I think, about the middle of 1945.

Mr. TAVENNER. Since that time have you been engaged in the private practice of law or did you have other employment?



Mr. HEALD. I have engaged in the private practice of law except for a period in 1946 and 1947 when I was attorney for the Chicago Housing Authority.

Mr. TAVENNER. Mr. Heald, were you present in the hearing room yesterday when Mr. Herbert Fuchs testified?

Mr. HEALD. I was here part of the time.

Mr. TAVENNER. Did you hear Mr. Fuchs identify you as a member of a group of Communist Party lawyers within the NLRB?

Mr. HEALD. I did.

Mr. TAVENNER. Were you a member of such a group?

Mr. HEALD. No.

Mr. TAVENNER. Did you join a group of individuals consisting of Mr. Fuchs, Mr. Porter, Mr. Robison, and others?

Mr. HEALD. Yes.

Mr. TAVENNER. You joined a group?

Mr. HEALD. Yes, sir.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you joined that group?

Mr. HEALD. Sometime in the summer of 1938 Mr. Fuchs, who was an attorney at the NLRB, told me that he belonged to a group of people who met about once a week, as I remember, and engaged in a discussion of the Communist theories. He stated that this group engaged in no other activities than discussion, study, and research and he asked me to join this group and he repeatedly spoke to me about it during that summer and fall.

Mr. TAVENNER. At first did you refuse to join it?

Mr. HEALD. At first I was not particularly interested, although I was interested in learning something about the Communist theories. I might say that I am of a Quaker family, and in my childhood I had been trained in the doctrine of peace and I was anxious to learn what the Communists believed on the subject of peace.

Mr. TAVENNER. My question was whether or not for a period of time you refused to join this group?

Mr. HEALD. That is right, yes; I for a period of time did not.

Mr. TAVENNER. You refused to join?

Mr. HEALD. Yes.

Mr. MOULDER. Would you care to elaborate on what you mean by "joining"?

Mr. HEALD. I didn't particularly think about what joining meant; I assumed that it meant participating in the meetings of this group and in their discussions. That is all I considered.

Mr. TAVENNER. Did you participate in the meetings that were subsequently held after you joined?

Mr. HEALD. Yes.

Mr. TAVENNER. Before you actually joined this group, did any other member of the group besides Mr. Fuchs come to you and talk to you about joining?

Mr. HEALD. On 1 or 2 of the occasions when he spoke to me, John Porter who was also an NLRB attorney was with him. The rest of the time Mr. Fuchs was alone.

Mr. TAVENNER. Then finally did you tell Mr. Fuchs that you would join this group?

Mr. HEALD. Yes.

Mr. TAVENNER. When did you tell him?

Mr. HEALD. I believe in the late fall of 1938.

Mr. TAVENNER. You knew at the time you told Mr. Fuchs you would join this group that it was a group of the Communist Party, didn't you?

Mr. HEALD. No.

Mr. TAVENNER. What did you think it was?

Mr. HEALD. I thought it was, and I was told that it was a group that met for the purpose of discussing Communist theory.

Mr. TAVENNER. You knew that there was such a thing as the Communist Party at that time, didn't you?

Mr. HEALD. Yes.

Mr. TAVENNER. Did you make contributions in this group for the use of the Communist Party?

Mr. HEALD. Mr. Fuchs explained to me that the members of the group did make contributions which went to the Communist Party and were used for purposes of peace, including such means as publications, and I did make such contributions in different amounts; sometimes I made no contributions, and they were voluntary and discretionary with me.

Mr. TAVENNER. Were they made with fair regularity?

Mr. HEALD. I would say, no.

Mr. TAVENNER. What was the amount of the contribution?

Mr. HEALD. It varied, and just at this time, I have no idea just what the amount was.

Mr. TAVENNER. Can you tell us why it varied in amount?

Mr. HEALD. It varied in amount because the amount was within my discretion and no one ever specified an amount. And, as I say, at times I made no contribution.

Mr. TAVENNER. Where was the first meeting of this group held after you decided to join?

Mr. HEALD. After I decided to participate in these discussions I attended meetings at the homes of various members of the group, and I don't remember where the first one was held. They were held at the homes of various members.

Mr. TAVENNER. How many persons were in this group?

Mr. HEALD. There were seven.

Mr. TAVENNER. Will you give their names, please?

Mr. HEALD. Besides Porter and Fuchs—

Mr. TAVENNER. Just a moment. Was Fuchs a member of the Communist Party?

Mr. HEALD. Not to my knowledge.

Mr. SCHERER. Did you say, to your knowledge, he was not a member of the Communist Party when you joined?

Mr. HEALD. That is right—when I began participating in these meetings.

Mr. SCHERER. How soon after that did you find out that he was a member of the Communist Party?

Mr. HEALD. I had no knowledge of that until I heard his testimony yesterday.

Mr. SCHERER. Witness, I have just been reading the statement that you submitted to the committee and maybe you can explain it. You said:

This group consisted of seven NLRB attorneys, with all of whom I was acquainted. There was also a man not an NLRB employee who was identified to me only as "Mike."

Then you talk of meeting Mike at the National Lawyers Guild convention. And then on the next page you say:

Mike was apparently in touch with officials of the Communist Party and frequently expressed what purported to be the official views of that organization. Fuchs and others in the group often disagreed with Mike in these discussions.

Are those statements in this memorandum that you have handed to the committee consistent, do you think, with the testimony you have just given?

Mr. HEALD. Yes. I was referring to Mr. Fuchs.

Mr. SCHERER. I can't see the consistency because you say you didn't learn that Fuchs was a member of the Communist Party until he testified here.

Mr. HEALD. That is correct.

Mr. SCHERER. And yet in this memorandum you say that shortly after you joined the party, you met Mike and you say that—

Mike was apparently in touch with officials of the Communist Party and frequently expressed what purported to be the official views of that organization.

Mr. HEALD. I think that you are referring to "Mike," and I understood Mr. Tavenner's question to refer to Fuchs.

Mr. SCHERER. Then you go on and say that Fuchs and other members of the group often disagreed with Mike in these discussions, Fuchs was one of the group of seven NLRB attorneys whom you referred to in this memorandum, was he not?

Mr. HEALD. Yes.

Mr. SCHERER. All right. Go ahead. I couldn't reconcile the statement with what I read.

Mr. HEALD. May I say that Mike was a different person from Fuchs, and he may have been a Communist. In fact, as I say, he apparently was in touch with persons in the Communist Party, and he purported to give what were the Communist theories. These were tossed up for discussion in this group.

Mr. SCHERER. In the next paragraph you say:

Fuchs explained to me that each member of the group made a cash contribution at regular intervals which went to the Communist Party.

Mr. MOULDER. He so testified to that.

Mr. SCHERER. And he now says that he did not know until yesterday that Fuchs was a member of the Communist Party. I just can't reconcile those statements with this, and some more things which you say in the memorandum you have submitted to us. But go ahead.

Mr. HEALD. Mr. Chairman, this was 17 years ago, and looking back I can well understand that the purpose of this group was to attempt to convert myself and persons like myself to communism. I can only say that if that was the purpose it did not succeed and at that time, to me, it was a group which engaged in a discussion of a subject which I wanted to learn something about.

Mr. SCHERER. Later in your memorandum, to which you apparently gave considerable thought in preparing for this committee, you say:

Late in 1940, or early in 1941, the group split into two separate groups. I joined the group consisting of John Porter, Ruth Weyand, and Allan Rosenberg, and myself.

Then you say:

Shortly after that, Porter became ill and dropped out \* \* \*. A man named Bill Sherwood performed the role previously performed by Mike and assumed to explain the official views of the Communist Party.

I cannot help but feel from your own statement that you recognized at that time that this was a Communist Party group. I don't think that it makes much difference at this time. But go ahead.

Mr. HEALD. I would like to say that I recognized that these were Communist theories which were being explained to us in the group. They were discussed and they were disagreed with, and sometimes heatedly, by members of the group. I have no doubt that they were official Communist theories given to us by the two persons you mentioned, Mike and Bill Sherwood, and that they obtained them from their contact with the Communist Party.

Mr. SCHERER. That is what you say.

Mr. HEALD. To me—and I believed at the time to the others in the group——

Mr. SCHERER. There was no question in your mind, according to your statement, that Bill Sherwood and Mike were members and functionaries of the Communist Party, was there?

Mr. HEALD. I suspected that they were members, and the others I did not.

Mr. SCHERER. All right.

Mr. TAVENNER. In other words, you state that John Porter, Ruth Weyand, Joseph Robison were not known to you to be members of the Communist Party?

Mr. HEALD. That is right.

Mr. TAVENNER. By that do you mean you didn't see their Communist Party card, or you knew from their actions that they were not members of the Communist Party?

Mr. HEALD. I mean that I knew of nothing that would indicate that they were.

Mr. TAVENNER. That they were members of the Communist Party?

Mr. HEALD. Yes, sir.

Mr. TAVENNER. And you attended meetings with some of those people for a period of 3 years; didn't you?

Mr. HEALD. Yes; at irregular intervals.

Mr. TAVENNER. In Washington?

Mr. HEALD. Yes.

Mr. TAVENNER. During that 3-year period, did you make these contributions to the Communist Party or for the use of the Communist Party through this group?

Mr. HEALD. Yes, sir.

Mr. TAVENNER. You heard the Communist Party line brought down from functionaries of the Communist Party to this group by "Mike" and by Bill Sherwood. That occurred; didn't it?

Mr. HEALD. And it was heatedly disputed at these meetings.

Mr. TAVENNER. But it was brought down; wasn't it?

Mr. HEALD. It was expressed to the group.

Mr. TAVENNER. And none of those things indicated to you that this group could by any possibility be a cell of the Communist Party?

Mr. HEALD. As I say, looking back I can well understand that the purpose of those who formed it was to convert us, but it did not succeed in that purpose.



Mr. SCHERER. Mr. Tavenner, have you had an opportunity to read the statement that he submitted to the committee?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. On page 2 of the statement, the witness says:

About January 1941 I left the NLRB and went to work for the United States Housing Authority. In February of 1942 I moved to Chicago, where I worked for the OPA. Six months or a year later, I was invited to join a similar group in Chicago by Ben Diamond, whom I had known as a Government attorney in Washington. I decided to join this group.

Now you say it is a similar group to the one you belonged to in Washington, and—

It consisted of 6 or 8, all of whom were introduced to me by their first names—

Mr. MOULDER. Probably it would expedite the proceedings, and perhaps it is a little irregular from ordinary procedure, but would counsel object to the witness reading this statement paragraph by paragraph?

Mr. SCHERER. I prefer to proceed like I am proceeding.

Mr. HEALD. Mr. Chairman, I would like to—

Mr. SCHERER. I have no objection to the witness reading his statement.

Mr. TAVENNER. I was endeavoring to question him regarding matters in his statement.

Mr. MOULDER. I was thinking that it might clear it up if the witness would be permitted to read his statement.

Mr. SCHERER. I don't know when a member of the committee doesn't have the right to ask questions in any form he sees fit.

Mr. MOULDER. It seems it would make it a little more clear, because he wants to go over this thing again. But you may proceed, of course.

Mr. SCHERER. You said "I decided to join this group" which "consisted of 6 or 8, all of whom were introduced to me by their first names."

Now, didn't that raise some suspicion in your mind that this second group was a group similar to the one that you belonged to in Washington that was receiving instructions, apparently, as you say, from the Communist Party? In this second group, when you joined it, you were only introduced to these men by their first names—

Mr. HEALD. At the time I had no idea that any instructions were being received by them. Actually, the activities of the group consisted like those in Washington, only of discussion of matters of theory.

Mr. SCHERER. Did you learn the last names of the men who belonged to this group that you joined in Chicago?

Mr. HEALD. No; I did not. That is with the exception of the ones whose names I have given.

Mr. SCHERER. Then you say, in referring to this group:

At one of the last of these meetings I attended, someone in the group handed me a printed card. I handed it back to him without reading it, saying that I did not want it. I did not know what the card was.

Why did you hand back the card? You knew it was a Communist Party membership card; did you not?

Mr. HEALD. No; I did not.

Mr. SCHERER. Why would you hand it back?

Mr. HEALD. At that time my interest in this discussion group had been declining for some time, and I did not know whether I would

continue attending the meetings even occasionally as I had been, and I did not wish to engage in any formal token of participation in the group.

Mr. SCHERER. You thought it was a membership card for that group, though, but you didn't know it was a Communist Party membership card; is that right?

Mr. HEALD. I didn't know what it was, but I didn't want to engage in any discussion of any formality of participation at that point. And the whole incident, I might say, did not seem significant to me at the time, and I only remembered it when I was preparing this statement. I wanted to include everything in the statement, however trivial it might seem, that might have any connection with my participation in these groups.

I believe it will be apparent to you that I have made a complete statement to include everything in the statement, however trivial, and however inconsistent, or strange it may seem to me today, looking back. But I wanted to submit to the committee a complete statement, and I have done my very best to do so.

Mr. SCHERER. You understand what this committee is trying to determine. It is the extent to which the Communist Party infiltrated the National Labor Relations Board. Now, we have established here this morning by testimony that Nathan Witt, the topman, the Secretary, his assistant, and Fuchs who was close to the assistant, and the woman attorney who argued many of the cases for the Board before the Supreme Court were all members of the Communist Party. And that is the purpose of these hearings.

Mr. MOULDER. I would like to proceed in this manner if you are interested in proceeding that way. Because most of the questions concern this statement and the answers concern the same matter, he may read the statement and then be cross-examined. He prepared this statement, which is a voluntary one.

Mr. TAVENNER. Very well, if that is the chairman's view of it.

Mr. SCHERER. Don't we have a right to interrupt as he reads his statement?

Mr. MOULDER. Certainly; counsel or any member of the committee.

Mr. SCHERER. This is a 3-page, closely typewritten statement, and I think that we have a right to interrupt.

Mr. MOULDER. No one is questioning that, Mr. Scherer.

Mr. SCHERER. All right.

Mr. HEALD (reading):

Mr. Chairman, my name is Allen Heald, and I live at 1399 Elmhurst Drive NE., Cedar Rapids, Iowa. I am engaged in the general practice of law.

I am not, and have never been, a Communist or a member of the Communist Party.

I come of a Quaker family, and I have been trained, from my childhood, in the Quaker doctrine of peace. All my life I have been deeply concerned for the advancement of peace among individuals and nations.

About 17 years ago, I joined a group of people who were engaged in studying and discussing the Communist theories of history and politics. I did this because I wanted to learn just what the Communist theories were, and particularly what they believed on the subject of peace.

I am submitting to the committee a full statement of all of the facts concerning my participation in that group, as best I can recall them after so long a time, and also other matters into which the committee may inquire.

From June 1937 to about January 1941, I was employed by the National Labor Relations Board in Washington, D. C., as an attorney. During the summer and fall of 1938, Herbert Fuchs, who was also an NLRB attorney and a

friend of mine, spoke to me on a number of occasions about a group to which he said he belonged. I do not remember all that was said in these conversations. To the best of my recollection, Fuchs said that this group met about once a week that it engaged in discussion of the Communist theories, and that it engaged in no other activities than discussion, study, and research.

Fuchs approached me about this matter repeatedly during that summer and fall. On one or two of these occasions, John Porter, another NLRB attorney, was with Fuchs; the rest of the conversations were with Fuchs alone. He had persuasive, analytical, and witty answers to my objections. When I went on my vacation I took with me several books that he lent me; I particularly recall an analysis of 19th century French history that I found interesting.

During the fall of 1938 I was much disturbed about the threat of a world war, which I felt was made greater by the Munich agreement and the Nazi occupation of Czechoslovakia. I knew that Fuchs felt as I did about this, and I concluded from what he told me that this group was sincerely interested in specific measures to discourage aggression in Europe. Because of my interest in peace and also because of my desire to learn something about Communist theories from discussion with intelligent people, I told Fuchs in the late fall of 1938 that I would join this group.

I felt that I could consistently do this, even though I disagreed with the idea of dictatorship and the other basic ideas of communism.

The group consisted of seven NLRB attorneys, with all of whom I was acquainted. There was also a man, not an NLRB employee, who was identified to me only as "Mike." Some years later I saw this man at a National Lawyers Guild convention, under the following circumstances: He was standing near me, and noticed my name on the badge I was wearing and said he had thought he recognized me. I then recognized him and said "Oh, yes, I remember you" and I walked away. Later I saw him on the speaker's platform, where he was introduced as Victor Perlo, an economist. After the speaking I went to a Thompson restaurant for a glass of milk and chanced to sit at the same table with this man and several others who had been at the meeting. I had no conversation with him. These are the only times I have ever seen him outside of the meetings of the group that I have mentioned.

In this group I was never given a membership card of any kind, never took an oath or went through any formality of joining.

The meetings were held at irregular intervals of about once a week, at the homes of the members. The discussions frequently developed into heated arguments about world and national issues and principles of politics, economics, et cetera. Several attempts were made to center the discussion on particular books, but the group never stuck to one subject very long. There was no formality about the arguments, and little agreement was reached. I found the discussions interesting.

"Mike" was apparently in touch with officials of the Communist Party and frequently expressed what purported to be the official views of that organization. Fuchs and others in the group often disagreed with "Mike" in these discussions.

Fuchs explained to me that each member of the group made a cash contribution at regular intervals, which went to the Communist Party and was used by it in work for peace, including such means as publications. I made these contributions because of my confidence in Fuchs' judgment that the money was used in the real interests of peace. My contributions varied in amount. I do not now have any idea how much I contributed or how often. At a later period I contributed smaller amounts, and sometimes made no contribution. I do not remember which one of the group I paid the money to.

Late in 1940 or early in 1941, the group split into two separate groups. I joined a group consisting of John Porter, Ruth Weyand, Allan Rosenberg, and myself. Shortly after that, Porter became ill and dropped out of the group. Two or three others, not NLRB employees, then joined the group. They were introduced and known to me only by their first names. A man named Bill Sherwood performed the role previously performed by Mike, and assumed to explain the official views of the Communist Party.

The members of this group worked on research and writing projects, on historical subjects such as the growth of the American labor movement, the history of the 8-hour day, and similar topics. The manuscripts were given to Sherwood, who was to arrange for their publication. I did not have time to work on any of these projects. I never learned whether any of them were published.

About January 1941 I left the NLRB and went to work for the United States Housing Authority. In February of 1942 I moved to Chicago, where I worked for



the OPA. I made this move mainly in order to be nearer to my parents and my former home in Iowa.

Six months or a year later, I was invited to join a similar group in Chicago by Ben Diamond, whom I had known as a Government attorney in Washington. I decided to join this group. It consisted of 6 or 8, all of whom were introduced to me by their first names. I was introduced to them the same way. I did not know where these people were employed. I never saw them anywhere else.

As in Washington, there were discussions of world and national affairs and political and economic theory. I found the discussions less lively and interesting than those in Washington. A member would be assigned a particular subject of current interest, on which he would report to the group. Meetings were held, as I remember, about every 2 or 3 weeks, at the apartments of various members. None were held at my home.

I attended irregularly, at less and less frequent intervals, and finally stopped altogether. I felt that the discussions were no longer of particular interest. To my best recollection, this was sometime in 1945.

At one of the last of these meetings that I ever attended, someone in the group handed me a printed card. I handed it back to him without reading it, saying that I did not want it. I do not know what the card was. At no other time in any of my contacts with these groups was any kind of card offered to me.

The people whom I met in these groups seemed like decent, intelligent people, who were interested in discussing current affairs, and in peace. I would be very much surprised if any thought of overthrow of the Government, or of espionage, ever entered the minds of those whom I met in these groups. I did not know any of them to be members of the Communist Party. I did believe that Mike and Bill might be.

I strongly objected to the Russo-German pact in 1939, and wrote a letter to Fuchs stating my objections. He replied, as I remember, agreeing with most of the points I made. Although I welcomed the Communist Party's apparent support of the Allies in the war period from 1941 to 1945, I again found myself in strong disagreement with that party's views at the time of Russia's refusal to hold free elections in Poland. I believe this occurred during my last year of participation in the Chicago group.

I have belonged to the following organizations, which had no connection with the above-mentioned groups:

About 1936 or 1937, I joined the National Lawyers Guild. About 1942 I was elected to the executive board of that organization. I attended 2 or 3 meetings of that board. In 1947 I moved to Iowa, where there is no guild organization to my knowledge. I made no attempt to interest Iowa lawyers in the guild. I attended no guild meetings after 1948. To the best of my recollection I ceased to pay dues about 1949, and ceased to receive the guild magazine in 1953 or earlier.

About 1937 or 1938 I was attracted by the peace appeals of the American League for Peace and Democracy, and I believe I attended 1 or 2 meetings and joined that organization. Prompted by the same feelings, I attended one meeting of the American Peace Mobilization, which I believe was late in 1939. I had no further contact with either organization, so far as I can recall.

In 1938 I joined the Washington Bookshop in order to get a substantial discount (in excess of the amount of the fee for joining) on Carl Sandburg's six-volume *Life of Lincoln*. I never attended any of its meetings or took part in its activities.

In the fall of 1947, I moved to Cedar Rapids, Iowa, my former home, where I have since engaged in general law practice. I did this mainly in order to be near my parents. My father is an Iowa doctor and farmer. I have helped him look after his farms and other interests, and have spent as much time as I could in companionship with him.

My father is a birthright Quaker and, like myself, is deeply concerned about peace. He has long known and admired Henry A. Wallace. In 1948 I accompanied my father to the Progressive Party convention at Waterloo, Iowa, and other meetings in support of Mr. Wallace. Mainly, I believe, because of my father's interest in this cause, I was nominated by the Progressive Party for Congress in my district. All my campaign expenses were paid by my father and myself.

In addition to the above, I have been from time to time, and am at present, a member of various civic organizations such as the chamber of commerce, various bar associations, and my local Farm Bureau.

Mr. MOULDER. Do you wish to ask any questions, Mr. Scherer?

Mr. SCHERER. I think that I have interrupted Mr. Tavenner too much already.



Mr. TAVENNER. That is quite all right.

I understood you to say, as you look back on those meetings, there is now no uncertainty in your mind as to the fact that they were Communist Party meetings. Am I correct in that?

Mr. HEALD. No. What I said was that I can readily believe that the purpose of them was to win us as converts to the Communist Party, but that they did not succeed in doing that.

Mr. TAVENNER. If it was a group winning converts for the Communist Party, wouldn't you call it a Communist Party group?

Mr. HEALD. I don't believe so.

Mr. TAVENNER. You don't think so?

Mr. HEALD. No; not the way I would look at it.

Mr. TAVENNER. Let us look at your statement a moment, and see if you didn't realize at the time that you were attending those meetings that it was a Communist Party group. You have stated here, on the first page:

I told Fuchs in the late fall of 1938 that I would join this group.

Then you continue:

I felt that I could consistently do this even though I disagreed with the idea of dictatorship and the other basic ideas of communism.

Wouldn't that sentence be absolutely without meaning unless it does mean that you felt at that time just what this language imports; that you felt you could join the Communist Party notwithstanding the idea of dictatorship and the other basic ideas of communism?

Mr. HEALD. I couldn't have joined it, notwithstanding my rejection of those ideas. I couldn't have, feeling as I did.

Mr. TAVENNER. Does it not import that you knew that it was the Communist Party, or otherwise that language would have no meaning whatever?

Mr. HEALD. No; it seems to me that with my rejection of the idea of dictatorship, of the idea of dogmatism, and strict conformity to a party view, I rejected all of those things; and I could not have regarded this as a Communist group.

Mr. TAVENNER. But you stated here that you told Fuchs that you would join the group and that you felt that you could consistently do this notwithstanding your ideas about the dictatorship and the basic ideas of communism.

Mr. HEALD. I felt that to engage in a discussion of the subject was consistent with my rejection of the basic ideas of the subject. I wanted to learn about it even though I did disagree with it.

Mr. TAVENNER. You discussed that subject for practically 6 years, didn't you?

Mr. HEALD. At intervals.

Mr. TAVENNER. You discussed it from 1938 to 1941 with persons who had been shown to be active in Communist Party activities, and by your own statement from February of 1942 to 1945 here in Chicago.

Did it take you all of that time to make up your mind?

Mr. HEALD. No; my mind was already made up, and I was merely engaging in a discussion to learn what I could about these theories. This was not a process of making up my mind, I was simply engaged in discussing in order to learn.

Mr. SCHERER. As you say, Witness, in your statement, you knew that both "Mike" and later Sherwood who took "Mike's" place were

bringing to this group the Communist Party program from a higher echelon; and you say that yourself.

Mr. HEALD. And I was attending these meetings for the purpose of discussing that theory. I knew that it was a Communist theory that they were expounding, and I wanted to learn about it.

Mr. TAVENNER. A little earlier, I was asking you who were the seven members of this group.

Mr. HEALD. Yes, sir.

Mr. TAVENNER. And I think that you named two of them; Fuchs and Porter.

Mr. HEALD. Yes, sir.

Mr. TAVENNER. Who were the others?

Mr. HEALD. The others were Joseph Robison, Allan Rosenberg, David Rein, Ruth Weyand, and Martin Kurasch.

Mr. TAVENNER. You are aware that all of those persons have been identified during the course of this hearing as members of the Communist Party? I mean, are you aware of that now?

Mr. HEALD. Yes, sir.

Mr. TAVENNER. Do you mean to tell this committee that you sat in these frequent meetings with David Rein, Allan Rosenberg, Martin Kurasch, Herbert Fuchs and never discovered that they were members of the Communist Party?

Mr. HEALD. As I recall these meetings, there was extreme and heated disagreement among all of these people about many points of theory. It did not seem to me like a Communist Party group in that there was no discipline, and no requirement of conformity. Many of the things that were told to the group by "Mike" were strongly disputed by the others.

Mr. TAVENNER. Did "Mike" take the position before your group that you should not join mass organizations, and was that one of the disputes that existed?

Mr. HEALD. I don't recall any dispute about that. I am speaking of disputes about theory, and the only thing, or the only activity that these groups did engage in was discussion of theory and research and study.

Mr. SCHERER. They discussed the problems that were current in the National Labor Relations Board, did they not?

Mr. HEALD. I don't recall any extended discussion of that, and they may have been mentioned; but I don't recall that there was any.

Mr. SCHERER. Did you hear the testimony of the witness Asher this morning?

Mr. HEALD. Yes, sir, I heard his testimony.

Mr. SCHERER. Do you recall any of the discussions that he related?

Mr. HEALD. No, I do not, and I don't recall his presence in the group at all.

Mr. WILLIS. That would be consistent with his testimony; he didn't identify you as ever being with him at a meeting.

Mr. HEALD. I am sure that I never saw him at one of these meetings.

Mr. TAVENNER. Do you know how many of such groups were organized within the NLRB at that time?

Mr. HEALD. No.

Mr. TAVENNER. To your knowledge, did a member of any other group attend any of your meetings at any time?

Mr. HEALD. Not to my knowledge.

Mr. TAVENNER. In fact, no one outside of your group ever attended your meetings?

Mr. HEALD. I believe I have named all of the ones whom I saw.

Mr. TAVENNER. Didn't it strike you as somewhat strange that you would have a group that you met with for a period of years, and never on any occasion was any other lawyer from the NLRB permitted to come in, nor any stranger permitted to come in and sit with you?

Mr. HEALD. I don't know that I ever heard any discussion of who would be permitted or who would not be permitted.

Mr. TAVENNER. Your 6 years of study of communism ought to have made you aware of a matter as elementary as that, don't you think?

Mr. HEALD. Well, all that I can say is that I was concerned in this as a group that engaged in the study of this subject, and these were the ones whom I saw at the group.

Mr. SCHERER. Why would a group like that have to use assumed names?

Mr. HEALD. No assumed names were used in this group.

Mr. SCHERER. You don't recall that they had assumed names?

Mr. HEALD. I am sure that I never heard an assumed name.

Mr. SCHERER. In the Chicago group, you only knew their first names?

Mr. HEALD. Yes.

Mr. SCHERER. You never learned their last names?

Mr. HEALD. They were so introduced to me, and in the occasional meetings that I attended I didn't learn the last names of any of them except the one that I have mentioned.

Mr. TAVENNER. During all of this period of time, did you ever endeavor to take a friend to one of these meetings?

Mr. HEALD. No.

Mr. TAVENNER. Why?

Mr. HEALD. I never was inclined to seek new participants in organizations, and I don't recall that I ever did.

Mr. TAVENNER. Why wouldn't you want to seek a participant in this organization?

Mr. HEALD. It simply isn't my nature to urge people to participate in things.

Mr. TAVENNER. You had a great many friends among the lawyers of the NLRB, did you not?

Mr. HEALD. I had a number of friends; yes.

Mr. TAVENNER. But you never asked one of them to go to one of these meetings with you?

Mr. HEALD. No; I don't recall that it ever occurred to me to ask one.

Mr. TAVENNER. Do you know whether the reason for that was that you couldn't take another person without the permission of all of them? In other words, they were meetings closed to other persons who were not members?

Mr. HEALD. That was not in my mind.

Mr. TAVENNER. Did any member of that group bring a visitor with him?

Mr. HEALD. Well——

Mr. TAVENNER. I think that you answered that a moment ago.

Mr. HEALD. I do recall one other person who was brought to some of these meetings.

Mr. TAVENNER. Who was that?

Mr. HEALD. Jack Krug. I believe that he attended some of them.

Mr. TAVENNER. He has already been identified during the course of this hearing as a member of the Communist Party. Krug was an employee of the NLRB, was he not?

Mr. HEALD. Yes.

Mr. TAVENNER. You say that this group was split into two separate groups. When did that occur?

Mr. HEALD. It was in 1940 or 1941.

Mr. TAVENNER. What was the reason for it?

Mr. HEALD. I don't know.

Mr. TAVENNER. It was still a group composed of 7 or 8 people, including yourself, was it not?

Mr. HEALD. I believe so; yes, sir.

Mr. TAVENNER. Who advised you that it was to be split in two parts?

Mr. HEALD. I don't recall who did.

Mr. TAVENNER. Weren't you asked by an individual as to whether or not you would like to meet with this group or that group?

Mr. HEALD. I may have been.

Mr. TAVENNER. Who was that individual?

Mr. HEALD. Well, after so many years, I just don't believe that I could remember.

Mr. TAVENNER. Wasn't it Bill Sherwood?

Mr. HEALD. I don't believe it was. It might have been. I don't believe it was Sherwood because I don't believe that I met him until after the division occurred.

Mr. TAVENNER. Was it Perlo?

Mr. HEALD. It might have been. I just don't have any recollection of the details and I did not consider myself a very active participant in the group.

Mr. TAVENNER. Didn't you tell the staff that you believed it was "Mike" who asked you if you would like to be in a group consisting of the four persons you named; that is, Rosenberg, Porter, Miss Weyand, and yourself?

Mr. HEALD. I think that in answer to a similar question I told them that it might well have been, "Mike."

Mr. TAVENNER. Didn't you have curiosity enough to try to ascertain in the course of your studies why your group was no longer sitting as one group but had to divide into two?

Mr. HEALD. I assumed that it was more convenient for others to meet at different times.

Mr. TAVENNER. Didn't a question arise in your mind when a functionary of the Communist Party gave you your instructions in the matter?

Mr. HEALD. Well, no instructions were given to me.

Mr. TAVENNER. Or direction?

Mr. HEALD. As I say, I had no knowledge that this man was a functionary, as you say, in the Communist Party.

Mr. TAVENNER. You knew he had no connection with the NLRB?

Mr. HEALD. I knew that he had no such connection.

Mr. TAVENNER. But you knew he was the one who was the contact with the Communist Party, or at least you have so stated.



Mr. HEALD. I knew that he expounded what purported to be the Communist Party views.

Mr. TAVENNER. And you still didn't realize that he was connected with the Communist Party?

Mr. HEALD. Well, looking back I can easily see that the purpose may have been to attempt——

Mr. TAVENNER. You knew it then, didn't you?

Mr. HEALD. No, I did not.

Mr. TAVENNER. Do you know where this man, Sherwood, was from?

Mr. HEALD. I don't know.

Mr. TAVENNER. Was he employed in the NLRB?

Mr. HEALD. No.

Mr. TAVENNER. What did he do?

Mr. HEALD. I believe he either was employed or was considering employment at the Labor Department. I think he was employed there at least for a time.

Mr. TAVENNER. When was the last time you saw him?

Mr. HEALD. About 1942.

Mr. TAVENNER. Do you know what he is doing now?

Mr. HEALD. I have no idea.

Mr. TAVENNER. Or where he is?

Mr. HEALD. No.

Mr. TAVENNER. This question may have been asked you by one of the committee members. You say that when you joined a similar group in Chicago you were introduced to the members by their first names. How many persons were there?

Mr. HEALD. I would say 6 or 8, as best I can remember.

Mr. TAVENNER. How were they employed?

Mr. HEALD. I have no idea.

Mr. TAVENNER. You never inquired?

Mr. HEALD. No.

Mr. TAVENNER. You never inquired as to their last names?

Mr. HEALD. No.

Mr. TAVENNER. Did you go to the homes of any of them?

Mr. HEALD. Some of them.

Mr. TAVENNER. In fact, you met in their homes, didn't you?

Mr. HEALD. Yes, sir.

Mr. TAVENNER. You never inquired as to who they were or who the person was whose home was extended to you?

Mr. HEALD. No.

Mr. TAVENNER. And you visited their homes from 1942 to 1945, a period of 3 years, didn't you?

Mr. HEALD. Occasionally.

Mr. TAVENNER. During all of that period of time you didn't inquire about the names?

Mr. HEALD. I am not a curious person.

Mr. TAVENNER. But didn't you have a reason for not inquiring?

Mr. SCHERER. Did you say you are not a curious person? Is that your statement?

Mr. HEALD. Not about people's affairs that are of no concern of mine.

Mr. SCHERER. Just about Communist philosophy?

Mr. HEALD. I was interested in that, and I wanted to learn what its teachings were.

Mr. SCHERER. Now, the real reason, isn't it, Witness, that you say you don't know their last names, or their occupations, is because you are hesitating to identify those individuals for this committee? Isn't that the real reason?

Mr. HEALD. No. I have, as I have said, I have made every effort I could to search my memory and reveal everything that I can remember, and I do not and I never did know their last names, and I assure you I am concealing nothing.

Mr. SCHERER. You appear to be a very fine gentleman who might find it distasteful to reveal to this committee the names of those individuals who were members of this cell with you here in Chicago. And, of course, if you only know their first names, that is not very helpful, is it?

Mr. HEALD. However distasteful, I assure you that I am revealing everything. I consider that my own likes and dislikes in the matter are not to be considered in this, and I——

Mr. SCHERER. That should be your position, I think.

Mr. HEALD. I can only say that it is.

Mr. SCHERER. That is the law, too.

Mr. TAVENNER. How were you informed while in Chicago where these meetings were to be held between 1942 and 1945?

Mr. HEALD. I believe usually at one of the meetings the location of the next meeting would be decided on, and if I didn't attend the next meeting usually Mr. Diamond I believe, would telephone me and tell me where the next one would be.

Mr. TAVENNER. Would he give the name of the place where it was to be held?

Mr. HEALD. He would give me the address.

Mr. TAVENNER. Did you ever tell anyone that you were attending any of these meetings?

Mr. HEALD. I don't recall that I did.

Mr. TAVENNER. Why?

Mr. HEALD. I was never asked about it, and I just don't recall whether I have mentioned it to anyone or not.

Mr. TAVENNER. When employed by the NLRB, did you advise anyone there that you were attending meetings and studying communism for a period of about 3 years?

Mr. HEALD. I don't remember whether I did discuss it with anyone.

Mr. SCHERER. It is so obvious that the individuals in the Washington cell have been identified by Fuchs and others and they are known to us, so there could be no hesitancy on the part of this witness in saying that he knew who those individuals were. But these individuals who were in the Chicago cell may or may not have been Government employees, and are not known to us now, and I can see this man is of a caliber that would hesitate to reveal for the first time who these individuals were. I do think that this man possesses some information that would be helpful to this committee. The story as set forth in this memorandum and in his testimony is incredible.

Mr. HEALD. Mr. Chairman——

Mr. SCHERER. I hate to say that but it is apparent, I think, to everybody in the room that that is the only conclusion we could arrive at after listening to the testimony.

Mr. HEALD. I cannot allow that to go without an answer.

Mr. SCHERER. You may answer.

Mr. HEALD. You mention, Mr. Scherer, the names of the individuals in the Chicago group. They were all persons with whom I was well acquainted before I was in the Washington group, before I was in that group at all. They were——

Mr. SCHERER. I think that you made a slip of the tongue. You meant the Washington people you were well acquainted with.

Mr. HEALD. I was well acquainted with them, and I knew their names, and I had known most of them fairly well at least before I ever participated in that group. I attended the meetings of that group with more frequency.

The group in Chicago consisted, with the one exception I have mentioned, of people that I had never seen before, and I have never seen any of them anywhere except in that group, and they were not fellow employees of mine.

Mr. SCHERER. However, they may have been Government employees.

You say you did not know where they were employed?

Mr. HEALD. That is right, but they were not people whom I worked with.

Mr. SCHERER. And in the same agency, perhaps?

Mr. HEALD. They were not people that I had ever seen any place. I have not hesitated to reveal this information.

Mr. SCHERER. Why did you join a group, as you say, that was similar to the group that you attended in Washington, namely, a group that was discussing Communist theories, with total strangers out here? Obviously they were total strangers.

Mr. HEALD. Your question is why I should?

Mr. SCHERER. Yes.

Mr. HEALD. I thought it would still be interesting to do it. I found that it was not so interesting, and I did cease to participate.

Mr. MOULDER. I do not wish to prolong this witness' testimony but I would like to ask a question. In your statement you referred to the fact that——

I strongly objected to the Russo-German pact in 1939, and I wrote a letter to Fuchs stating my objections.

Could you tell us what your objections were at that time? Why would you be writing to Professor Fuchs on that subject?

Mr. HEALD. I felt that the Russo-German pact offered no safeguards against Nazi aggression, and that it was a great mistake, and it was an illusion to suppose that it would offer any solution of the problem or any assurance of peace. On the contrary, I felt that it would tend to encourage Nazi aggression, and to eliminate——

Mr. TAVENNER. May I ask one other question? Have you at any time been a member of any other group similar to the one that you belonged to in the NLRB?

Mr. HEALD. No; not other than the Chicago one.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Before we close, I think that we should state for the record that these other organizations to which the witness says in his memorandum he belonged, are Communist-front organizations, namely: the American Peace Mobilization, the American League for Peace and Democracy, the Washington Bookshop, and the National Lawyers Guild.

Mr. HEALD. At the time of my connection with any of those organizations, I had no knowledge of any facts showing a subversive character of any of them.

Mr. SCHERER. They may have been designated by the Attorney General, or by one of the investigating committees of Congress as subversive and as Communist-front organizations at a period later than the time to which you belonged to them. But they were cited because of their activities during the time you belonged to them.

Mr. MOULDER. That was during the period 1936, 1937, and 1938.

Mr. HEALD. Yes; I had no knowledge at that time of any facts which would lead me to believe that they had a subversive character.

Mr. MOULDER. The witness is excused.

The committee will stand in recess for a period of 5 minutes.

(Whereupon, there was a brief recess.)

Mr. MOULDER. The committee will be in order.

Mr. TAVENNER. Mr. Gerald J. Matchett, will you come forward, please?

(Members of the subcommittee present at this point in the hearing were Representatives Moulder (chairman), Willis and Scherer.)

Mr. MOULDER. Will you be sworn, please? Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MATCHETT. I do.

### TESTIMONY OF GERALD J. MATCHETT, ACCOMPANIED BY COUNSEL, RICHARD JAMES STEVENS

Mr. TAVENNER. What is your name, please, sir?

Mr. MATCHETT. Gerald J. Matchett.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. STEVENS. My name is Richard James Stevens; I am attorney in the State of Illinois and practice in Chicago, Ill.

Mr. TAVENNER. When and where were you born, Mr. Matchett?

Mr. MATCHETT. I was born on a farm near Fruita, Colo., September 29, 1912.

Mr. TAVENNER. Where do you now reside?

Mr. MATCHETT. Here in Chicago.

Mr. TAVENNER. How long have you lived in Chicago?

Mr. MATCHETT. We have lived in Chicago since 1946.

Mr. TAVENNER. What is your employment or your occupation?

Mr. MATCHETT. I am a teacher.

Mr. TAVENNER. Where do you teach? A teacher in what?

Mr. MATCHETT. I teach at Illinois Institute of Technology.

Mr. TAVENNER. How long have you been a teacher there?

Mr. MATCHETT. Since we came to Chicago; since 1946.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. MATCHETT. Yes. I have a bachelor's degree from the University of Colorado; a master's degree and a Ph. D. degree from Clark University.

Mr. TAVENNER. Clark University?

Mr. MATCHETT. Located in western Massachusetts.

Mr. TAVENNER. In what field did you take your doctor's degree?



Mr. MATCHETT. Economics.

Mr. TAVENNER. When did you complete your course at Colorado University?

Mr. MATCHETT. I got my degree in 1934. Before that time I went to a junior college, Mesa County Junior College, located in Grand Junction, Colo., and I was there for 2 years and then I went to the University of Colorado where I got my A. B. degree.

Mr. TAVENNER. When did you receive your doctor's degree?

Mr. MATCHETT. In 1939.

Mr. TAVENNER. What has been your employment since 1939?

(Witness consulted his counsel.)

Mr. MATCHETT. I wish to object to this question on the ground that any answer might tend to incriminate me, and I claim the protection of the fifth amendment.

Mr. SCHERER. I ask that you direct the witness to answer the question as to his employment.

Mr. MOULDER. The witness is directed to answer the question, and of course, you are advised that you have a right to claim the protection of the fifth amendment. You are directed to answer because your statement is not responsive to the question, and you have given no reasons why the answer to that question would incriminate you.

(Witness consulted his counsel.)

Mr. MATCHETT. I would like to state again that the answer to that question might tend to incriminate me, and therefore I wish to use the protection of the fifth amendment.

Mr. SCHERER. You understand that when a member of the committee asks the Chair to direct you to answer the question, it is because the member of the committee, and subsequently the Chair, do not accept your answer.

Mr. MOULDER. And also he is advised that refusal to answer might subject him to prosecution for contempt.

(Witness consulted his counsel.)

Mr. MATCHETT. Being so advised, I continue to claim the privilege of the fifth amendment.

Mr. SCHERER. Now let me ask this question: Did you ever have a job since you graduated from college that was of a nature that wouldn't incriminate you? Tell us about those.

(Witness consulted his counsel.)

Mr. SCHERER. Is this one of the men who worked for NLRB?

Mr. TAVENNER. No, sir.

Mr. MATCHETT. In answer to that question I think that I indicated what my present job is.

Mr. SCHERER. Were there any other jobs that you had since you graduated from college that were of such a nature that to tell this committee would not tend to incriminate you? If you had some kind of a job with the Communist Party or engaged in some other illegal activity, I admit you are properly invoking the fifth amendment. But now tell us of all other jobs that do not come in that category.

You worked for the National War Labor Board. It wouldn't incriminate you to work for the United States Government.

(Witness consulted his counsel.)

Mr. MATCHETT. There may be associations arising out of employment which might tend to incriminate me, and therefore I continue to claim the privilege.

Mr. SCHERER. So we may have the record straight, Mr. Chairman, I ask you to direct the witness to answer my question and tell us about such jobs and positions that he had since his graduation from college, which would not tend to incriminate him. Certainly every job he has had over these years would not tend to incriminate him.

Mr. MOULDER. As requested by Mr. Scherer, the witness is directed to answer the question.

(Witness consulted his counsel.)

Mr. MATCHETT. I feel that every job I have held might lead to information which might tend to incriminate me, and therefore I continue to claim the privilege of the fifth amendment.

Mr. TAVENNER. Mr. Matchett, where did you reside prior to taking up your work as a teacher at Illinois Institute of Technology in 1946?

(Witness consulted his counsel.)

Mr. MATCHETT. I claim the privilege of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer the question as to where he resided prior to taking up his position as a teacher at Illinois Institute of Technology.

Mr. MOULDER. The witness is directed to answer the question.

Mr. MATCHETT. I continue to claim the privilege of the fifth amendment.

Mr. SCHERER. I think that we should state it is the feeling of the committee, or at least my feeling, that in refusing to answer that question, the witness is not invoking the fifth amendment properly and subjects himself to a possible contempt prosecution.

I make that statement in accordance with the ruling of the Supreme Court in the Emspak and related cases.

Mr. TAVENNER. During the period that you attended the University of Colorado, were you aware of the existence of an organized group of the Communist Party on the campus of that institution?

Mr. MATCHETT. I claim the privilege of the fifth amendment.

Mr. TAVENNER. And you refuse to answer?

Mr. MATCHETT. On the protection given me because an answer might tend to incriminate me.

Mr. TAVENNER. Are you acquainted with Philip Reno?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Did Philip Reno attend the University of Colorado?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Are you acquainted with Edward Scheunemann?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Did Edward Scheunemann attend the University of Colorado?

Mr. MATCHETT. I claim the privilege.

Mr. MOULDER. When you make the statement you "claim the privilege", are you refusing to answer on the basis—

Mr. MATCHETT. That the answer might tend to incriminate me; that is what I mean.

Mr. MOULDER. Under the protection of the fifth amendment?

Mr. MATCHETT. That is right.

Mr. TAVENNER. Were you employed by the National War Labor Board in Denver in 1945 or any other time?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. I ask that the witness be directed to answer that question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. MATCHETT. And my answer might tend to incriminate me and therefore I claim the privilege.

Mr. MOULDER. Are you a member of the Communist Party now? (Witness consulted his counsel.)

Mr. MATCHETT. I am not.

Mr. SCHERER. Were you yesterday?

Mr. MATCHETT. I claim the privilege of the fifth amendment on the basis that answer might tend to——

Mr. SCHERER. You say that you are not a member as of this moment; is that right?

Mr. MATCHETT. That is right.

Mr. SCHERER. Were you a member of the Communist Party this morning?

Mr. MATCHETT. I claim the privilege on that; an answer might tend to incriminate me.

Mr. SCHERER. When did you cease to become a member?

Mr. MATCHETT. I claim the privilege.

Mr. MOULDER. The witness is directed to answer the question and it is my belief you have waived the right to claim the privileges of the fifth amendment by stating that you are not now a member of the Communist Party.

That carries with it an inference that you are not now. Refusing to answer about your past affiliation carries the strong implication that maybe you were this morning, as asked by Mr. Scherer.

Mr. SCHERER. When you were employed by the National War Labor Board, did you have to fill out an application for employment, known as form 57?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. Is it a fact that you did fill out such an application?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. Were you asked on that application whether or not you were a member of the Communist Party?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. I haven't seen it, but I think Mr. Tavenner has it there; is it a fact that you did sign such an application and when that question was asked you, you answered "no"?

Mr. MATCHETT. I claim the privilege.

Mr. WILLIS. Have you ever worked for the Federal Government?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. WILLIS. You mean to say that you are afraid that it might incriminate you to tell us whether you ever worked for your Government?

Mr. MATCHETT. I continue to say that such answers might be self-incriminatory and I claim the privilege of the fifth amendment.

Mr. WILLIS. Did you ever reside in Denver, Colo.?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. I ask you to direct the witness to answer the question. He is clearly in contempt if he refuses to answer a question as to whether or not he ever resided in Denver.



Mr. MOULDER. The witness is advised and directed to answer the question.

Mr. MATCHETT. I claim the privilege.

Mr. WILLIS. Did you know a gentleman by the name of Michael Hessen, a lawyer, in Denver?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. I hand you a photostatic copy of Government form 57 purporting to be made out in the name of Gerald J. Matchett, under date of April 17, 1946, and I ask you to look at the last page and state whether or not the signature at the end of the document is your signature?

(Document was handed to the witness.)

(Witness consulted his counsel.)

Mr. MATCHETT. I claim the privilege.

Mr. MOULDER. You are refusing to answer; is that right?

Mr. MATCHETT. That is right, under the fifth amendment.

Mr. SCHERER. He may be properly invoking the fifth amendment, because if he answered that question on form 57 that he was not a member of the Communist Party, he committed perjury; so I assume that he is properly invoking the fifth amendment in this case.

Mr. TAVENNER. I desire to offer the above-mentioned photostatic copy of form 57 in evidence, ask it be marked "Gerald J. Matchett Exhibit No. 1" for identification purposes and to be made a part of the committee files.

Mr. MOULDER. It will be so received.

Mr. TAVENNER. Mr. Matchett, were you an employee of the Bureau of Foreign and Domestic Commerce, Department of Commerce, in Washington, D. C., in 1942?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Were you employed as an agricultural economist by the Agriculture Department in Washington in 1942?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. During the time that Mr. Tavenner is asking you about, when you were obviously employed by these agencies of Government, were you engaged in any illegal activity?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. You mean you won't tell us whether or not you were engaged in any illegal activity?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Were you Chief of the Review Section of the Ninth Regional National War Labor Board Office, in Colorado, in December 1942?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Did you enter the military service in 1944?

(Witness consulted with his counsel.)

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. It is incredible that he claims the privilege in saying that it is incriminating to answer the question as to whether he was in the service of the Government of the United States, in the armed services.

Mr. MOULDER. The witness is directed to answer the question. I can't see why it would incriminate you to answer the question as to whether or not you ever served your country or were in the armed services.



(Witness consulted with his counsel.)

Mr. MATCHETT. On reconsideration, I will state that I was in the armed services between, as I remember now, March 1944 and I have forgotten the exact date of my discharge, but it was in 1946.

Mr. SCHERER. Were you a member of the Communist Party while you were in the armed services of the United States?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Where did you serve while a member of the Armed Forces?

Mr. MATCHETT. Mainly in Europe.

Mr. TAVENNER. Were you returned to the United States for discharge or were you discharged in Europe?

(Witness consulted his counsel.)

Mr. MATCHETT. I was discharged in Europe.

Mr. TAVENNER. Did you then receive an appointment of a civilian character with the United States Government while in Europe?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. I ask that the witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer.

Mr. MATCHETT. I claim the privilege under the fifth amendment.

Mr. TAVENNER. Were you employed in Berlin, by the U. S. Office of Military Government for Germany?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Did you become acquainted with Russ Nixon in Germany?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Irving Kaplan?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Were you present yesterday during the testimony of Professor Fuchs?

Mr. MATCHETT. I was not.

Mr. TAVENNER. Professor Fuchs testified that you were recruited into a unit or organization of the Communist Party in Denver, Colo., at which time you were employed by the National War Labor Board.

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Is that true or false?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. Are you acquainted with Herbert Fuchs?

Mr. MATCHETT. I claim the privilege.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. May I inquire of you as to why you received your discharge from the United States Armed Forces while in Europe?

(Witness consulted with his counsel.)

Mr. MATCHETT. On this question I claim the privilege of the fifth amendment.

Mr. MOULDER. Any questions?

Mr. SCHERER. What subjects do you teach at Illinois Institute of Technology?

Mr. MATCHETT. I claim the privilege.

Mr. SCHERER. This witness said at the opening of his testimony that his present employment is Illinois Institute of Technology. I asked him the question, "What subjects do you teach," and he invokes the fifth amendment.

First, I think it is an improper invocation of the fifth amendment and second, if it would be a proper invocation he has waived it, and I ask you to direct the witness to answer the question. If he still insists in refusing to answer the question I feel he is in contempt and we will so ask the committee to find.

Mr. MOULDER. The members of the committee concur with the statement made by Mr. Scherer, and you are directed to answer the question.

We can't understand that your refusal to claim the privilege under the fifth amendment is in good faith and furthermore, you have waived the right to claim that privilege for the reason that you have stated that you do teach at the educational institution mentioned by Mr. Scherer. So don't you now wish to answer that question?

Mr. MATCHETT. Because of the subject matter, I think that I should claim the privilege under the fifth amendment.

Mr. SCHERER. Do you mean to say, sir, a man who has a Ph. D. degree, that to tell this committee what subject you teach at the Illinois Institute of Technology might tend to incriminate you? Do you honestly believe that it would tend to incriminate you to tell me what subjects you teach, whether it is mathematics, American problems, or sociology, or so on?

Mr. MATCHETT. I think it might lead to a line of questioning which might tend to incriminate me, and it is on that basis that I am claiming the protection of the fifth amendment.

Mr. SCHERER. I can only say to you that I do not think by any stretch of the imagination—I cannot see how you can in good faith claim the privilege of the fifth amendment to that question. I am telling you now for the record that I am unwilling to accept the answer, and in my opinion you are guilty of contempt, and that I intend to ask this committee, in executive session, that necessary steps be taken to bring action for contempt.

I ask you to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. MATCHETT. I don't get the question. I didn't understand the question.

Mr. MOULDER. It is the same question on which an additional direction was asked. After advising you of the dangers that might be involved by your refusing, do you now desire to retract your refusal and answer the question propounded to you by Mr. Scherer as to what subjects you teach where you are now employed?

Mr. MATCHETT. No, I continue to claim the protection.

Mr. SCHERER. I just wonder how the Illinois Institute of Technology would feel about such a position?

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Margaret Matchett, will you come forward, please?

Mr. MOULDER. Will you be sworn, please?

Do you solemnly swear the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MATCHETT. I do.

TESTIMONY OF MARGARET ELLEN MATCHETT, ACCOMPANIED  
BY COUNSEL, RICHARD JAMES STEVENS

Mr. TRAVENNER. What is your name, please?

Mrs. MATCHETT. Margaret Ellen Matchett.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. STEVENS. Richard J. Stevens, Chicago, Ill., licensed to practice in the State of Illinois.

Mr. TAVENNER. Where were you born?

Mrs. MATCHETT. I was born in Rockford, Ill.

Mr. TAVENNER. Where do you now reside?

Mrs. MATCHETT. In Chicago.

Mr. TAVENNER. What is your profession or occupation?

Mrs. MATCHETT. I am a housewife.

Mr. TAVENNER. Have you also been a teacher?

(Witness consulted her counsel.)

Mrs. MATCHETT. I decline to answer the question on the grounds that the answer might tend to incriminate me, and I claim the protection of the fifth amendment.

Mr. SCHERER. Mr. Chairman, I refuse to accept that answer and I ask that you direct the witness to answer the question. I can't possibly see how to answer whether or not she has been a teacher can incriminate her.

Mr. MOULDER. You are advised by the committee that your refusal to answer might place you in a position where you will be guilty of contempt, and therefore, as requested by Mr. Scherer, you are directed to answer the question.

Mrs. MATCHETT. I respectfully continue to claim the protection of the fifth amendment.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mrs. MATCHETT. Yes. I have a bachelor of arts degree from Butler University, and a master's and doctor of philosophy degree from Indiana University.

Mr. TAVENNER. When did you receive your degree from Indiana University?

Mrs. MATCHETT. In 1946.

Mr. TAVENNER. How soon after receiving your degree did you leave Indiana University?

(Witness consulted her counsel.)

Mrs. MATCHETT. I decline to answer on the grounds that the answer might tend to incriminate me, and I claim the privilege of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. MOULDER. The witness is directed to answer for the reason I stated a while ago, that you are advised you might be placing yourself in danger of being guilty of contempt. That statement is not made in a spirit of coercion or a threat to you, but for your own protection, and you are therefore directed to answer the question.

Mrs. MATCHETT. I understand, sir. I must respectfully decline.

Mr. SCHERER. Where did you get your Ph. D.?

Mrs. MATCHETT. From Indiana University.

Mr. SCHERER. What year was that?



Mrs. MATCHETT. 1946.

Mr. SCHERER. In what field?

Mrs. MATCHETT. Mathematics.

Mr. TAVENNER. Did you teach at Indiana University between 1939 and 1942?

(Witness consulted her counsel.)

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. SCHERER. Let us get the record straight. I ask you to direct the witness to answer.

Mr. MOULDER. The witness is directed to answer.

Mrs. MATCHETT. I claim the privilege.

Mr. MOULDER. May the record reveal that when you claim the privilege, you are refusing to answer when you make the statement "I claim the privilege"——

Mrs. MATCHETT. I intended that to abbreviate the full statement; that the answer might tend to incriminate me and I claim the privilege of the fifth amendment.

Mr. TAVENNER. Have you at any time lived in College Park, Md.?

(Witness consulted her counsel.)

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. TAVENNER. Did you teach at the University of Maryland in the years of 1942 and 1943?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. MOULDER. The witness is directed to answer.

Mrs. MATCHETT. I continue to claim the protection of the fifth amendment.

Mr. TAVENNER. Have you at any time resided in Denver?

Mrs. MATCHETT. I claim the protection of the fifth amendment.

Mr. MOULDER. The witness is directed to answer that question for the reasons previously advised by the committee.

Mrs. MATCHETT. I must respectfully continue to claim the fifth amendment.

Mr. TAVENNER. Is there an educational institution by the name of University of Denver?

(Witness consulted her counsel.)

Mrs. MATCHETT. There is a university; either a University of Denver, or Denver University.

Mr. TAVENNER. Regardless of which may be the correct name, did you teach there during the scholastic year of 1943 to 1944?

Mrs. MATCHETT. I claim the protection of the fifth amendment.

Mr. MOULDER. The witness is directed to answer, with the warning as previously given by the committee for your own protection; that you might be placing yourself in a position of being guilty of contempt.

Mrs. MATCHETT. I must respectfully continue to claim the privilege of the fifth amendment.

Mr. TAVENNER. I hand you a photostatic copy of Government Form 57, purporting to be made out in the name of Margaret Ellen Stump Matchett, under date of April 13, 1944. I ask you to examine it, please, and state whether or not the signature appearing at the bottom of the last page is your signature?

(Document handed to the witness.)

(Witness consulted her counsel.)

Mrs. MATCHETT. I claim the privilege.



Mr. TAVENNER. I desire to offer the above mentioned photostatic copy of form 57 in evidence, ask that it be marked "Margaret E. Matchett Exhibit No. 1," for identification purposes, and to be made a part of the committee files.

Mr. MOULDER. The document will be so received.

Mr. TAVENNER. Were you acquainted with Phil Reno?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. TAVENNER. Were you acquainted with Edward Scheunemann?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. TAVENNER. Were you acquainted with Herbert Fuchs?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. TAVENNER. Did you belong to a Communist Party cell or unit in Denver—

Mrs. MATCHETT. I claim the privilege.

Mr. TAVENNER. Just a moment—to which each of those individuals belonged?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. SCHERER. Herbert Fuchs said under oath that you were a member of the Communist Party. That was yesterday. Was he telling the committee the truth when he said that you were a member of the Communist Party?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. SCHERER. You don't deny, then, that his testimony is true?

Mrs. MATCHETT. I claim the privilege.

Mr. TAVENNER. Are you now a member of the Communist Party? (Witness consulted her counsel)

Mrs. MATCHETT. No.

Mr. TAVENNER. When did you cease to become a member?

Mrs. MATCHETT. I claim the privilege.

Mr. SCHERER. Were you a member of the Communist Party yesterday?

Mrs. MATCHETT. I claim the privilege, sir.

Mr. SCHERER. Did you resign this morning?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. MOULDER. The witness is so directed.

Mrs. MATCHETT. I must continue to decline, sir.

Mr. TAVENNER. I have no further questions.

Mr. WILLIS. Have you ever been a member of the Communist Party?

Mrs. MATCHETT. I claim the privilege of the fifth amendment.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. That is all for open session, Mr. Chairman.

Mr. MOULDER. The committee will stand in recess and go into executive session.

(Whereupon, at 4 p. m., the public hearing was adjourned and the committee went into executive session.)



# INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 2

THURSDAY, DECEMBER 15, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Chicago, Ill.*

EXECUTIVE SESSION <sup>1</sup>

A subcommittee of the Committee on Un-American Activities met in executive session at 10 a. m., in the Federal Courthouse, Chicago, Ill., Hon. Edwin E. Willis, presiding.

Committee members present: Representatives Willis and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; and Thomas W. Beale, Sr., chief clerk.

Mr. WILLIS. The subcommittee will come to order.

The subcommittee heretofore appointed by the chairman, consisting of Congressmen Morgan M. Moulder of Missouri as chairman, Edwin E. Willis of Louisiana, and Gordon H. Scherer of Ohio, to conduct the hearings in Chicago which began on December 14 is now in session. Congressman Willis of Louisiana (acting as chairman) and Congressman Scherer are present, thus constituting a quorum of the subcommittee.

Will you stand and be sworn, please? Do you solemnly swear that the testimony you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COOPER. I do.

## TESTIMONY OF LYLE W. COOPER ACCOMPANIED BY COUNSEL, CHARLES J. O'LAUGHLIN

Mr. TAVENNER. Will you state your name, please, sir?

Mr. COOPER. Lyle W. Cooper.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. COOPER. Yes.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. O'LAUGHLIN. My name is Charles J. O'Laughlin, a member of the bar of the State of Illinois.

Mr. TAVENNER. When and where were you born, Mr. Cooper?

Mr. COOPER. St. John, Kans., December 30, 1895.

Mr. TAVENNER. Where do you now reside?

Mr. COOPER. Chicago.

Mr. TAVENNER. What is your occupation or profession?

<sup>1</sup> Released by the committee January 20, 1956.

Mr. COOPER. I am the research director for the United Packing-house Workers of America, CIO.

Mr. TAVENNER. How long have you held that position?

Mr. COOPER. Since July 10, 1944.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mr. COOPER. After graduating from high school in Colorado Springs, Colo., I entered Colorado College in Colorado Springs and graduated from there in 1918. After a period of service in World War I, I resumed my education, first entering the University of Chicago in the summer session of 1920. Then I went to the University of California in Berkeley, and I was carrying on graduate work there until 1921, and the period was interrupted by teaching.

There was a summer session again at the University of California in 1922, a summer session at the University of Wisconsin in 1923, and then continuous graduate work at the University of Chicago in 1924 through most of 1925, receiving the doctor's degree in economics, specializing in labor problems in December of 1925. The thesis was Economic Policies of the American Federation of Labor. That completed my formal education.

Mr. TAVENNER. What employment have you had since the completion of your educational training?

Mr. COOPER. Since completion of it I was on the staff of the Illinois Department of Labor, beginning in 1925. I think it was in the early autumn. That ran for a year. I think the title was "report writer," with the Illinois Department of Labor. Then I went to Marquette University in Milwaukee in the autumn of 1926 as an associate professor of economics. I was in Milwaukee for approximately 10½ years.

Mr. TAVENNER. You mean you were with Marquette University for 10½ years?

Mr. COOPER. Yes, sir.

Mr. TAVENNER. Would that bring you up to about 1937.

Mr. COOPER. Yes. February 1, I think it was, 1937, I left Milwaukee. I was professor after 2 years at Marquette University and also professor in the graduate school at Marquette.

Mr. TAVENNER. In what department were you teaching?

Mr. COOPER. I was in the College of Business Administration.

Mr. TAVENNER. What subjects did you teach?

Mr. COOPER. For the most part labor problems, labor legislation, a course in business and government, and a course in value and distribution. I think that consisted of my subjects.

Mr. TAVENNER. Will you proceed, please.

Mr. COOPER. In February of 1937 I took a civil-service position with the Social Security Board in Washington, D. C. in the Unemployment Compensation Division. I obtained a leave of absence, I think it was early in the summer of 1937, to join the staff of the Wisconsin Industrial Relations Board. I remained there, I believe approximately 6 weeks, at which time an offer came which I considered attractive from the National Labor Relations Board in the Economics Division. I went back to Washington and I took that position with the National Labor Relations Board, Economics Division, in July of 1937. I remained there until June or toward the end of June, I believe it was, in 1940. Then I took a position with the United States House of Representatives on the Select Committee to Investigate the



Interstate Migration of Destitute Citizens, properly called the Tolan committee.

Mr. WILLIS. Was it a special committee?

Mr. COOPER. Yes, sir; for investigating migration.

That employment continued until April, I believe it was, of 1941, at which time I took a position with the Works Progress Administration in Washington, D. C., the Economics Division, and remained there until July of 1942. Then I transferred to the Board of Economic Warfare, and I think, approximately a year later its name was changed to the Foreign Economic Administration. And then my Government employment continued——

Mr. TAVENNER. When did your employment begin with the Board of Economic Warfare?

Mr. COOPER. I think I am correct in stating July of 1942.

Mr. TAVENNER. How long did that employment last?

Mr. COOPER. I think I was on the payroll at least until the end of 1944. From July of that year I was on leave, I think technically on leave from the agency, but, nevertheless on the payroll. I mean there was an interim there, and, as I stated, I joined the staff of the United Packinghouse Workers on July 10, 1944.

Mr. TAVENNER. Since that time have you held your present position on the research staff of the United Packinghouse Workers of America, CIO?

Mr. COOPER. Yes, sir; continuously.

Mr. WILLIS. Were you stationed in Chicago throughout this period?

Mr. COOPER. Yes, sir.

This is an international union with membership in Canada and Puerto Rico, as well as the United States.

Mr. TAVENNER. During the period that you were employed by the National Labor Relations Board was a loyalty investigation conducted regarding you?

Mr. COOPER. Frankly, I do not know, sir.

Mr. TAVENNER. You do not know?

Mr. COOPER. No.

Mr. TAVENNER. Did you have a loyalty hearing?

Mr. COOPER. Never while I was at the National Labor Relations Board.

Mr. SCHERER. Did you have a loyalty hearing at any other time?

Mr. COOPER. Yes, sir.

Mr. SCHERER. When was that?

Mr. COOPER. Let me see. It was March or April of 1942, I think.

Mr. SCHERER. With what agency were you connected at that time?

Mr. COOPER. I was with the Board of Economic Warfare at that time.

Mr. SCHERER. Was that the only loyalty hearing ever conducted as far as you knew?

Mr. COOPER. There were two phases of that. Well, to trace it, the Civil Service Commission had a hearing, and the agency itself had a hearing and disagreed with the Commission.

Mr. SCHERER. What was the Commission's finding?

Mr. COOPER. The Commission's finding was that I should be severed.

Mr. SCHERER. Did the agency's loyalty board then reverse the Commission's finding?

Mr. COOPER. Not immediately, no, sir. But on appeal before the Appeals Board of the Commission, a hearing which took place in April of 1944, pardon me, I think the former date was incorrect. It was 1943. In 1944 an Appeals Board hearing of the Civil Service Commission was held which eventually resulted in reinstatement by the Civil Service Commission both in my position and reinstatement in all civil-service ratings and positions to which I was eligible.

Mr. SCHERER. What was the outcome of the agency hearing?

Mr. COOPER. The agency hearing cleared me.

Mr. SCHERER. Was that subsequent to the original hearing before the Civil Service Commission?

Mr. COOPER. No, that was after the original hearing.

Mr. SCHERER. Was it subsequent to the original hearing?

Mr. COOPER. Yes, sir; subsequent, that is correct.

Mr. SCHERER. You testified at the hearing, did you not?

Mr. COOPER. Yes, sir.

Mr. SCHERER. On how many different occasions did you testify?

Mr. COOPER. Three.

Mr. TAVENNER. In substance, what was the charge against you?

Mr. COOPER. Well, I cannot recall exactly. I would say it amounted to the charge of being a fellow traveler of the Communist Party.

Mr. TAVENNER. Didn't it go further than that and charge you with having been a member of the Communist Party?

Mr. COOPER. I do not think so. The record would show, however.

Mr. TAVENNER. Were you at any time a member of the Communist Party while employed by the Federal Government?

Mr. COOPER. No, sir.

Mr. TAVENNER. Had you been a member of the Communist Party at any time prior to your employment by the Federal Government?

(The witness consulted his counsel.)

Mr. COOPER. On advice of counsel, I respectfully plead the fifth amendment on the ground that my answer might incriminate me.

Mr. SCHERER. Were you asked whether or not you were a member of the Communist Party at any of the hearings to which you just referred?

Mr. COOPER. I think I was, sir.

Mr. SCHERER. How did you answer those questions?

Mr. COOPER. In the same manner as I have answered them here.

Mr. SCHERER. You took the fifth amendment?

Mr. COOPER. No, sir. The questions referred to the present at that time.

Mr. SCHERER. What is that?

Mr. COOPER. The present, whether I was then a member, as I recall.

Mr. SCHERER. And your answer was "No"?

Mr. COOPER. That is correct.

Mr. SCHERER. At that time?

Mr. COOPER. Yes, sir.

Mr. SCHERER. Were you telling the truth when you answered "No" at that time?

Mr. COOPER. Certainly.

Mr. SCHERER. Did they ask you whether you had ever been a member of the Communist Party prior to the date of the hearing?

Mr. COOPER. I do not recall.

Mr. SCHERER. If they had asked you that question, would you have answered the question truthfully at that time?

(The witness consulted his counsel.)

Mr. COOPER. I have always answered questions truthfully to my best knowledge.

Mr. SCHERER. It is rather inconceivable, isn't it, Witness, in the conduct of a loyalty hearing that they would not have asked you the question whether or not you had ever been a member of the Communist Party in the past?

Mr. COOPER. I cannot say.

Mr. SCHERER. You can't say?

Mr. COOPER. No.

Mr. SCHERER. If they had asked you at any one of those hearings whether or not you had been a member of the Communist Party at any time prior to the date of the hearings, how would you have answered at that time?

(The witness consulted his counsel.)

Mr. COOPER. I don't know how I would have answered. I would have either pleaded the fifth amendment or answered the question.

Mr. TAVENNER. Do you recall whether or not you filled out Government form 57 or any other application for Government employment where the question appeared as to whether or not you had been a member of an organization devoted to the forceful overthrow of the Government of the United States?

Mr. COOPER. I don't remember a form 57. I remember filling out forms. I cannot say whether in this long period of time what the contents of those forms were.

Mr. TAVENNER. Were you aware of the existence of a cell or organized group of the Communist Party within the National Labor Relations Board at the time you were employed there?

Mr. COOPER. I was not.

Mr. TAVENNER. Was your status that of an economist?

Mr. COOPER. That is correct.

Mr. TAVENNER. We have had considerable testimony during this hearing about the organization of a number of cells of the Communist Party within the legal staff of the NLRB.

Were you aware of any such organization?

Mr. COOPER. I was not.

Mr. TAVENNER. You stated your first Government employment occurred around February 1, 1937, and that you went to that employment directly from teaching at Marquette University, where you had taught for a period of 10½ years?

Mr. COOPER. Yes, sir.

Mr. TAVENNER. Were you a member of the Communist Party at any time during your teaching career at Marquette University?

(The witness consulted his counsel.)

Mr. COOPER. I respectfully plead the fifth amendment in answer to this question on the grounds that it might incriminate me.

Mr. TAVENNER. You refuse, therefore, to answer the question on that ground?

Mr. COOPER. I do.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. COOPER. I am not.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. COOPER. Again I must respectfully decline to answer, on the grounds that it might incriminate me, under the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. Witness, we feel that if you were willing to do so you could give this committee some valuable information. Perhaps your counsel has told you, the law of the last 2 years provides that this committee, if it sees fit may, with the approval of the Federal court, grant you immunity from prosecution; that is, no matter what answer you might give in response to any question counsel might ask, you would be free from prosecution, if the committee saw fit to grant you immunity.

If this committee should, with the approval of the Federal court, grant you immunity from prosecution, would you then testify?

Mr. COOPER. No, sir, I would not.

(The witness consulted his counsel.)

Mr. SCHERER. That is all.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. I have this comment for the record, that the answer of the witness indicates clearly, then, that he is not pleading the fifth amendment in good faith because he said that he refused to answer our questions because of the fear of incrimination. Now, even if possible incrimination is removed, he says that he would not answer the questions. So it is obvious he has some reason other than fear of criminal prosecution.

I just want to note that on the record.

(Witness excused.)

Mr. WILLIS. Do you solemnly swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. COOPER. I do.

#### TESTIMONY OF HELEN A. COOPER, ACCOMPANIED BY COUNSEL, CHARLES J. O'LAUGHLIN

Mr. TAVENNER. Would you state your name, please?

Mrs. COOPER. Helen A. Cooper.

Mr. TAVENNER. It is noted that the present witness is represented by the same counsel who represented the former witness.

Mr. O'LAUGHLIN. I think the record should show that they are husband and wife.

Mr. WILLIS. We will come to that. It is obvious.

Mr. TAVENNER. When and where were you born?

Mrs. COOPER. Great Falls, Mont., April 1, 1900.

Mr. TAVENNER. Are you the wife of Mr. Lyle W. Cooper?

Mrs. COOPER. Yes.

Mr. TAVENNER. Will you tell the committee please whether in the past you have held employment with the Federal Government?

Mrs. COOPER. I have.

Mr. TAVENNER. Do you hold such employment now?

Mrs. COOPER. No.

Mr. TAVENNER. When were you last employed by the Federal Government?



Mrs. COOPER. In May of 1942.

Mr. TAVENNER. What was the nature of your employment?

Mrs. COOPER. I was employed by the United States Children's Bureau as a consultant in child labor and assistant consultant in child labor, and it was under that.

Mr. TAVENNER. In what department of the Government was that?

Mrs. COOPER. The Industrial Division of the Children's Bureau.

Mr. TAVENNER. Under the Department of Labor?

Mrs. COOPER. That is right.

Mr. TAVENNER. When did that employment begin and end?

Mrs. COOPER. It began in 1939 and ended in May of 1942. I think it was about May or June of 1939.

Mr. TAVENNER. Where were you employed?

Mrs. COOPER. In Washington, D. C.

Mr. TAVENNER. Was your entire Government employment in Washington?

Mrs. COOPER. Would you amplify what you mean?

Mr. TAVENNER. Were you continuously in Washington during that employment by the Labor Department?

Mrs. COOPER. I was in travel status, and I went around the country.

Mr. TAVENNER. Have you held any other Government employment?

Mrs. COOPER. Yes.

Mr. TAVENNER. Will you tell us what it was?

Mrs. COOPER. As far as I recall, I had a position with the Federal Emergency Relief Administration as a research worker in 1934 in Milwaukee, and I think it was a short employment; also with the National Recovery Administration, that was about 6 months, also in Milwaukee—

Mr. TAVENNER. During what period?

Mrs. COOPER. I will have to look that up. I don't have that information exactly. These were short periods of employment. It was just before the NRA went out, 6 months prior to its demise, you know, and it was declared unconstitutional.

Mr. TAVENNER. Would you fix the date roughly as 1934?

Mrs. COOPER. 1935, with the National Recovery Administration.

Then there was an assignment Father Haas gave me. Father Haas asked me to do an investigation for him at Stevens Point, Wis., and that was in 1937.

Mr. TAVENNER. What was the nature of that work?

Mrs. COOPER. There was a dispute with reference to an employee's position, and I forget what the controversy was, but whether he was entitled to hold this position for some outside reason, and I have forgotten what it was. I could look it up.

Mr. WILLIS. At whose request did you make that investigation?

Mrs. COOPER. Father Haas. He was then in Washington, D. C., with the Works Progress Administration. Francis J. Haas.

Mr. WILLIS. Was he a Catholic priest?

Mrs. COOPER. Yes.

Mr. TAVENNER. Did that matter relate in any way to a Communist affiliation of the individual involved?

Mrs. COOPER. No, sir.

Mr. TAVENNER. It did not?

Mrs. COOPER. No, sir.

Mr. TAVENNER. What was the approximate date of that assignment?

Mrs. COOPER. I would say early in 1937, to the best of my recollection.

Mr. TAVENNER. Will you give us any other Federal employment that you had?

Mrs. COOPER. I think that covers it.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mrs. COOPER. I was through high school and a commercial college in Montana, and I received a Ph. D. from the University of Chicago in March 1924.

Mr. TAVENNER. Do you know whether or not a loyalty investigation was conducted on you at any time while you were employed by the Federal Government?

(The witness consulted with counsel.)

Mrs. COOPER. There was an investigation at the Children's Bureau, and I don't know whether that was loyalty board or not. I presume it was. I think everyone was called in the department. I am not sure.

Mr. TAVENNER. Did you have a hearing of any description?

Mrs. COOPER. Well, it might have been a hearing like this, with one person interrogating.

Mr. TAVENNER. At that time did it involve the question of any present or prior Communist Party affiliation on your part?

Mrs. COOPER. I think that the question was asked.

Mr. TAVENNER. What was the question that was asked?

Mrs. COOPER. "Are you a member of the Communist Party or have you ever been," or something like that.

Mr. TAVENNER. Did you answer it?

Mrs. COOPER. I think that I did.

Mr. TAVENNER. How did you answer it?

Mrs. COOPER. I think that I answered that I was not a member.

Mr. TAVENNER. Did you also answer that you had never been a member?

Mrs. COOPER. I don't know whether that was asked. I couldn't say.

Mr. TAVENNER. Had you ever been a member of the Communist Party?

Mrs. COOPER. I respectfully decline to answer that question, under the privilege afforded me by the fifth amendment, on the ground that my answer might incriminate me.

Mr. TAVENNER. Were you a member of the Communist Party at the time that that hearing was being held?

Mrs. COOPER. I was not.

Mr. SCHERER. Were you a member a week before that hearing?

Mrs. COOPER. I would plead under the privilege afforded me by the fifth amendment that my answer might tend to incriminate me, and I will decline to answer.

Mr. SCHERER. What answer did you give to the loyalty board when it asked you whether or not you had been a member of the Communist Party at anytime in the past?

Mrs. COOPER. I don't remember that question, sir.

Mr. O'LAUGHLIN. I don't think the record shows it was a loyalty board hearing, Congressman.

Mr. SCHERER. In whatever hearing you were involved, you say you don't believe that the question was asked as to whether you had ever been a member of the Communist Party?

Mrs. COOPER. I don't recall that question.

Mr. SCHERER. If it was asked, you answered truthfully, then, did you not?

Mrs. COOPER. I did, sir.

Mr. TAVENNER. Were you a member of the Communist Party at anytime while you held Government employment?

Mrs. COOPER. I respectfully decline to answer, under the privilege afforded me by the fifth amendment, on the grounds the answer might tend to incriminate me.

Mr. TAVENNER. What was the date of the loyalty hearing to which you have referred?

Mrs. COOPER. I do not recall, sir.

Mr. TAVENNER. Was it at the time you were employed in a particular office? What was that office?

Mrs. COOPER. The Children's Bureau.

Mr. TAVENNER. What was the approximate date you entered upon that employment? You told us a little while ago.

Mrs. COOPER. It was 1939.

Mr. TAVENNER. Prior to that time had you been employed in the Labor Department?

Mrs. COOPER. No, sir; unless any of these other agencies were there. No; I don't think that they were.

Mr. TAVENNER. Prior to that time had you taken the assignment given you by Father Haas?

Mrs. COOPER. That is right.

Mr. TAVENNER. Was that in 1937?

Mrs. COOPER. Yes.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you performed that assignment?

Mrs. COOPER. I respectfully decline to answer, under the privilege afforded me by the fifth amendment, on the grounds that my answer might tend to incriminate me.

Mr. TAVENNER. When you were employed by the NRA in 1935, were you aware of the existence within that organization of an organized group of the Communist Party?

Mr. O'LAUGHLIN. Would you read the question?

Mr. TAVENNER. I will restate it.

At the time that you were employed by the NRA in 1935, were you aware of the existence within that organization of an organized group of the Communist Party?

(The witness consulted her counsel.)

Mrs. COOPER. I certainly was not aware of anything of that nature; no, sir.

Mr. TAVENNER. Were you acquainted with Henry Rhine?

Mrs. COOPER. No. You see this was in Milwaukee.

Mr. TAVENNER. That is right. You were not employed by the NRA in Washington. You were employed in Milwaukee.

Mrs. COOPER. That is right.

Mr. TAVENNER. Then I understand you to say that you were not aware of the existence of an organized group of the Communist Party within the NRA in Milwaukee?

Mrs. COOPER. That is right.

Mr. TAVENNER. Were you a member of the Communist Party in 1935, during the time you were employed in the NRA?

Mrs. COOPER. I respectfully decline to answer, under the privilege afforded me by the fifth amendment, on the grounds that my answer might tend to incriminate me.

Mr. TAVENNER. Were you a member of the Washington Committee for Democratic Action?

Mrs. COOPER. No, sir.

Mr. TAVENNER. Were you a member of the American League for Peace and Democracy?

Mrs. COOPER. I respectfully decline to answer, under the privilege afforded me by the fifth amendment, on the grounds that my answer might tend to incriminate me.

Mr. SCHERER. What was the last question?

Mr. TAVENNER. Was she a member of the American League for Peace and Democracy? This is an organization which has been cited by both the Attorney General and this committee.

Are you a member of the Communist Party at this time?

Mrs. COOPER. No, sir.

Mr. TAVENNER. I have no further questions.

Mr. WILLIS. I have no questions.

Mr. SCHERER. I have no questions.

(Witness excused.)

Mr. WILLIS. Will you raise your right hand and be sworn? Do you solemnly swear that the evidence you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHIELDS. I do.

Mr. WILLIS. Proceed.

### TESTIMONY OF JAMES M. SHIELDS, ACCOMPANIED BY COUNSEL, IRVING MEYERS

Mr. TAVENNER. What is your name, please?

Mr. SHIELDS. James M. Shields.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MEYERS. My name is Irving Meyers, Chicago, Ill.

Mr. TAVENNER. When and where were you born, Mr. Shields?

Mr. SHIELDS. I was born in the little town of Braggs, Okla., which was at that time Indian Territory, in 1897.

Mr. TAVENNER. Where do you now reside?

Mr. SHIELDS. Here in Chicago.

Mr. TAVENNER. What is your profession or occupation at the present time?

Mr. SHIELDS. At the present time, sir, I am selling men's clothing.

Mr. TAVENNER. Have you had Government employment in the past?

Mr. SHIELDS. I have.

Mr. TAVENNER. What was the nature of that employment?

Mr. SHIELDS. I was first employed by the Government with the Federal Emergency Relief Administration in Washington.

Mr. TAVENNER. Will you give us the dates, please?



Mr. SHIELDS. Approximately from sometime in September of, I think, 1934, until I think again September or the end of August in 1936.

During that period the Federal Emergency Relief Administration was changed, or became the Works Progress Administration, which I then was an employee of.

And subsequently, in approximately September or October—I can't give the exact date—of 1937, I was employed by the National Labor Relations Board.

Mr. TAVENNER. In what capacity?

Mr. SHIELDS. As a field examiner.

Mr. TAVENNER. Were you stationed in the city of Washington?

Mr. SHIELDS. I was employed and assigned immediately to the Minneapolis office and continued to serve—if I may carry that through—I remained an employee of the National Labor Relations Board until August 1947.

Mr. TAVENNER. In what capacities?

Mr. SHIELDS. I was a field examiner until late in 1942. Late that year I was assigned temporarily into Washington, D. C., as a special examiner, and I don't think that affected my status as a field examiner, but shortly thereafter—I think late that fall—I was made—we called them assistant directors—I think special examiner was the official title, attached to the Washington office of the Director of Field Activities.

I remained in that capacity until in the fall, approximately September 1, I think, of 1943, when I was made regional director in charge of the 18th region, with headquarters at Minneapolis, which position I held until the termination of my services with the National Labor Relations Board in August of 1947.

Mr. TAVENNER. Did you have Government employment after that date?

Mr. SHIELDS. No, sir.

Mr. TAVENNER. How were you employed after August 1947?

Mr. SHIELDS. May I consult with counsel?

Mr. TAVENNER. Yes, sir.

(Witness confers with counsel.)

Mr. SHIELDS. May I inquire, sir, as to what the term "how employed" means?

Mr. TAVENNER. By whom were you employed?

Mr. SHIELDS. I was not employed by the Government, sir. I was self-employed for a period of that time.

Mr. TAVENNER. In what type of work?

Mr. SHIELDS. As a labor consultant.

Mr. TAVENNER. Where?

Mr. SHIELDS. In Minneapolis.

Mr. TAVENNER. How long did you work in that capacity?

Mr. SHIELDS. It is very difficult to answer that exactly, sir. I set up an office in a locality and building, and I headquartered out of that office for a period of—I can't give you the exact dates—approximately 8 or 9 months, and from that time on I had no office, except I worked out of my own home on call as a consultant until some time, oh, I would say in the latter part of 1949.

Mr. TAVENNER. By whom were you employed beginning in 1949?

Mr. SHIELDS. I was unemployed for a considerable time prior to

that, sir; then beginning January 1, 1950, I came to Chicago and I was employed by the United Electrical, Radio, and Machine Workers of America.

Mr. TAVENNER. Was this by a local or by the national organization?

Mr. SHIELDS. By the national organization.

Mr. TAVENNER. What was the nature of your employment?

Mr. SHIELDS. I was on the staff, sir, in charge of the presentation of arbitration grievances for certain of the local unions connected with the International Harvester Co. chain.

Mr. TAVENNER. What was your title?

Mr. SHIELDS. I was a staff member. I don't believe I had any particular title.

Mr. TAVENNER. How long did you continue to be employed in that capacity by the UE?

Mr. SHIELDS. Until the end of April—until some time in April of this present year.

Mr. TAVENNER. 1955?

Mr. SHIELDS. Correct.

Mr. TAVENNER. Where were you self-employed, as you described it, as a labor consultant in 1947 and 1948?

Mr. SHIELDS. In Minneapolis.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. SHIELDS. I am a graduate of Moravian College, a small denominational school, and had a bachelor's degree there, and also at Duke University for a master's degree in 1934.

Mr. TAVENNER. Did you have military service?

Mr. SHIELDS. I did.

Mr. TAVENNER. Was that in World War I?

Mr. SHIELDS. That is right.

Mr. TAVENNER. Will you tell the committee, please, whether Washington was your post of duty at any time during the period you were employed by the National Labor Relations Board?

Mr. SHIELDS. It was.

Mr. TAVENNER. What period of time was that?

Mr. SHIELDS. The period of time that I previously stated, sir, from approximately the fall of 1942 for a period of approximately 1 year, until the fall of 1943.

Mr. TAVENNER. During the period of your employment by the National Labor Relations Board were you ever afforded a hearing regarding charges pertaining to the loyalty program?

(Witness confers with counsel.)

Mr. SHIELDS. Would you repeat that question?

Mr. TAVENNER. Will you read it, sir?

(Record read.)

Mr. SHIELDS. No, sir.

Mr. TAVENNER. Did you at any time receive any letters of charges issued under the Government employees' loyalty program?

(Witness confers with counsel.)

Mr. SHIELDS. Just a moment. Mr. Tavenner, I presume you are referring to the language which is on the subpoena served upon me?

Mr. TAVENNER. Yes, I am coming to that.

Mr. SHIELDS. All right, sir. I am frankly at a complete loss as to the identification of any such documents. I have no such documents

in my possession and, very frankly, I have no recollection of having ever handled or being shown, or being in anyway party to such documents during my employment.

Mr. TAVENNER. Have you no recollection of ever having received any such document?

Mr. SHIELDS. That is correct, sir.

Mr. TAVENNER. Do you recall whether or not you were investigated at any time under the Government employees' loyalty program? (Witness confers with counsel.)

Mr. SHIELDS. I have absolutely no recollection, sir, of ever being advised or informed that such an investigation was being made.

Mr. TAVENNER. What was the reason for the termination of your services with the National Labor Relations Board in August 1947?

Mr. SHIELDS. I resigned voluntarily.

Mr. TAVENNER. What was the reason for your resignation?

Mr. SHIELDS. I stated at that time in an official letter to the Chairman of the National Labor Relations Board, my intention to resign, and my request that I be relieved from my duties, and detailed my reasons. I presume that letter is a matter of record.

Mr. TAVENNER. What was your reason for resigning?

Mr. SHIELDS. I would like to give you the letter, sir, and that will speak for itself.

Mr. TAVENNER. If you show me the letter, sir, that will be sufficient.

Mr. SCHERER. Were you requested to resign?

Mr. SHIELDS. No, sir. This is a true copy of the letter which I wrote on August 21, 1947, addressed to the Chairman of the Board. This is my own copy. I will be very happy to have it read into the record.

Mr. TAVENNER. I think you are entitled to have it put in the record, if you desire it.

Mr. WILLIS. Yes.

Mr. TAVENNER. That would be the easiest way.

Mr. SCHERER. I move it be made part of the record at this time.

Mr. TAVENNER. May we be off the record?

Mr. WILLIS. Off the record.

(Discussion off the record.)

Mr. WILLIS. On the record.

Mr. SHIELDS. Mr. Tavenner, it is entirely up to the committee as to whether or not they wish to have it read into the record, or made a part of the record. I have submitted it to the committee in response to the question.

Mr. SCHERER. I think the only reason Mr. Tavenner suggested that it be read is because you said it was your only copy.

Mr. SHIELDS. I can furnish you a copy.

Mr. SCHERER. Do you have a copy of it?

Mr. SHIELDS. Yes.

Mr. SCHERER. Then I suggest that we make the copy part of the record.

Mr. SHIELDS. In that connection, sir, may I say this: I would like also, if that is done, to have considered along with that as my answer, the reply which I received, which is an official signed document bearing the signature of the Chairman of the Labor Board, Paul M. Herzog.



Mr. TAVENNER. Mr. Chairman, I suggest that there be admitted in evidence and made a part of the record as Shields Exhibit No. 1, a letter of resignation dated August 21, 1947, and as Shields Exhibit No. 2, the letter of acceptance of his resignation dated August 22, 1947.

Mr. WILLIS. The documents will be so marked and received in evidence.

(Shields Exhibits Nos. 1 and 2, referred to above, are as follows:)

SHIELDS EXHIBIT No. 1

NATIONAL LABOR RELATIONS BOARD,  
EIGHTEENTH REGION, 801 WESLEY TEMPLE BUILDING,  
Minneapolis, Minn., August 21, 1947.

Mr. PAUL M. HERZOG,  
Chairman, National Labor Relations Board,  
Washington, D. C.

DEAR PAUL: I herewith tender my resignation from the staff of the National Labor Relations Board.

When I joined the staff in November 1937, I was motivated by a deep faith in the purposes and provisions of the Wagner Act. Throughout these 10 years that faith has never wavered. In my experience as field examiner, as Assistant Director of the Field Division under the superb leadership of Oscar S. Smith, and in my present capacity as regional director for the 18th region, it has been possible to utilize to the full such abilities as I have in the public interest. In working with representatives of labor and employers and in association with other staff members, at no time has there been any question in my mind as to the rightness or fairness of the job to be done. It has been a completely satisfying experience.

Passage of the Taft-Hartley Act, however, raised the serious question as to whether it could be possible conscientiously to continue as an agent of the Board responsible for its administration and enforcement. The provisions of the new law appeared to me effectively to nullify the basic purposes of the Wagner Act and to impose impossible restrictions on the rights of employees freely to choose representatives and to bargain collectively through those chosen representatives. I hesitated, however, to take this step as long as a possibility remained that certain provisions of the Taft-Hartley Act might be interpreted and administered liberally and in a fashion least calculated to destroy organized labor. The recent conference in Chicago made it quite clear to me that such is not the intent of those to whom authority is being delegated for such interpretation and administration.

I wish to express to you, to the other members of the Board, and to my associates throughout the staff, for whom I have deep respect and devotion, my personal sorrow at the necessity for this decision. My years with the Board have been the happiest years of my life.

May I urge that this resignation be made effective as soon as I can be relieved of my duties.

Respectfully,

JAMES M. SHIELDS.

Copies to: John M. Houston, Board member; James M. Reynolds, Jr., Board member; J. Copeland Gray, Board member; Abe Murdock, Board member; Robert N. Denham, General Counsel.

SHIELDS EXHIBIT No. 2

NATIONAL LABOR RELATIONS BOARD,  
Washington 25, D. C., August 22, 1947.

JAMES M. SHIELDS,  
Director, National Labor Relations Board, 18th Region,  
801 Wesley Temple Building, Minneapolis 4, Minn.

DEAR JIM: Your letter of the 21st addressed to me as chairman of the board has just arrived. I am sorry that this agency is not to continue to have the benefit of your long experience in administering labor legislation. Your record has been a distinguished one, and your personal relationships with the members of the board have been of the happiest character.



However, every man must make his own decision where matters of conscience are concerned and therefore, even if I had the power since yesterday midnight to decline to accept your resignation, I should not feel at liberty to do so. You know what you want out of life and why you want it; involuntary servitude having been abolished in 1865, we have no right to hold you. You leave with the personal friendship of all members of the board and the staff who have come to know you over the years. I want to be sure that you know this.

So far as the effective date of your resignation is concerned, I believe that it would be best if you worked that out directly with the new General Counsel, as he has full jurisdiction over the operations of the field offices. I am sure that you and he will want to work out something which is mutually convenient and which will not prejudice the continuity of operations in the Minneapolis office.

Very sincerely yours,

PAUL M. HERZOG, *Chairman.*

Mr. TAVENNER. Mr. Shields, do you recall that prior to the time of your resignation Government form 84 was submitted to you and other employees to be signed, and which also required fingerprinting of individual employees?

Mr. SHIELDS. I cannot identify form 84. It has been a long time since then.

Mr. TAVENNER. Do you recall shortly prior to your resignation, that a form was submitted to you and other employees in connection with which fingerprints were required?

Mr. SHIELDS. I don't recall any specific form or occasion. I do know that during my years that I was with the Board that there were application forms or documents on personal history, and so forth, made out during that time. Whatever was submitted along those lines during my tenure, I am satisfied I complied with fully.

Mr. TAVENNER. Was there any instance in which you did not comply with them?

Mr. SHIELDS. No instance that I recall, no, sir.

(Witness confers with counsel.)

Mr. SHIELDS. As I stated, there were forms; as I recall, there were quite a number of forms from time to time in connection with Government employment which I was expected to fill out. I am sure that no issue ever arose, to my knowledge, as to my unwillingness or failure to do whatever was submitted to me to be done in that connection.

As to identifying a specific form, or what was in it, at this late date, I would find it very difficult to do that, honestly.

Mr. TAVENNER. During the period of your employment with the National Labor Relations Board, were you aware of the existence of an organized group of the Communist Party, composed principally of employees of the National Labor Relations Board?

(Witness confers with counsel.)

Mr. SHIELDS. As to that question, I feel I should avail myself of my privilege under the fifth amendment, and refrain from answering a question which might conceivably result in self-incrimination.

Mr. TAVENNER. In light of your answer, I desire to ask you this: Did the timing of your resignation have anything to do with the filling out of required forms which had been submitted to you by your employer in connection with the loyalty program?

(Witness confers with counsel.)

Mr. SHIELDS. I endeavored to answer your question as to the reasons for my resignation, and if your inquiry seeks to go beyond that answer I should again like to avail myself of my privilege under the fifth amendment.

Mr. TAVENNER. Do you refuse to answer that question on the grounds of the fifth amendment?

Mr. SHIELDS. I do.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. SHIELDS. I again assert my privilege, sir.

Mr. WILLIS. On the same grounds?

Mr. SHIELDS. On the same grounds—as stated in the fifth amendment.

(Witness confers with counsel.)

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Were you ever a member of the Communist Party?

Mr. SHIELDS. Again I must assert the same privilege, sir.

Mr. SCHERER. You said you went into business for yourself after your resignation from the National Labor Relations Board.

Mr. SHIELDS. That is true.

Mr. SCHERER. And then, as I recall it, you became affiliated with the UE?

Mr. SHIELDS. Eventually.

Mr. SCHERER. How long was that after the severance of your relations with the National Labor Relations Board?

Mr. SHIELDS. I would like to give just a little detail in that, sir, if I may. I resigned effective—I think I submitted my resignation as indicated in the date there as August——

Mr. SCHERER. August 21, 1947.

Mr. SHIELDS. And I ceased my active work within a week or two thereafter. I think I retained status as a paid employee under the financial arrangements that the Board had for retiring employees, so when whatever money I had accumulated had run out, which was some time thereafter, I then went to work January 1, or 2, immediately after the New Year's holiday in 1950.

Mr. SCHERER. In 1950?

Mr. SHIELDS. Right.

Mr. SCHERER. In your letter of August 21, 1947, to Mr. Paul M. Herzog, in which you submitted your resignation, you gave as your reason the "passage of the Taft-Hartley Act." That is right, isn't it?

Mr. SHIELDS. That is in the letter; yes, sir.

Mr. SCHERER. Was that your real reason for resigning?

Mr. SHIELDS. I have endeavored to answer that question accurately, sir. I submitted the letter as my full answer on the question as to why I resigned.

Mr. SCHERER. I am asking you now, was that your real reason for resigning, as stated in the letter?

Mr. SHIELDS. That was my reason; yes.

Mr. SCHERER. Were there any other reasons?

Mr. SHIELDS. I must again invoke my privilege, as questioning the accuracy of my first statement.

Mr. SCHERER. You say in this letter:

Passage of the Taft-Hartley Act, however, raised the serious question as to whether it could be possible conscientiously to continue as an agent of the Board responsible for its administration and enforcement. The provisions of the new law appeared to me effectively to nullify the basic purposes of the Wagner Act and to impose impossible restrictions on the rights of employees freely to choose representatives and to bargain collectively through those chosen representatives. I hesitated, however, to take this step as long as a possibility remained that certain provisions of the Taft-Hartley Act might be interpreted and administered liberally and in a fashion least calculated to destroy organized labor.

Now, that letter was written on August 21, 1947. In view of the phenomenal progress made by the labor organizations since 1947, do you feel that the Taft-Hartley law has destroyed organized labor, as you said you felt it might in August 1947?

Mr. SHIELDS. Mr. Scherer, are you asking me for my present views?

Mr. SCHERER. Yes.

Mr. SHIELDS. I agree with what I stated there. My views have not changed in that connection.

Mr. SCHERER. At least it has not destroyed organized labor in a 9-year period, has it? In that 9-year period hasn't organized labor made unprecedented gains?

Mr. SHIELDS. That is a matter of opinion, sir.

Mr. SCHERER. What is your opinion?

Mr. SHIELDS. That is not my opinion; no.

Mr. SCHERER. It is not your opinion?

Mr. SHIELDS. No, sir.

Mr. SCHERER. Do you feel that the Taft-Hartley law has destroyed organized labor?

Mr. SHIELDS. I think it has dealt it some very severe blows.

Mr. SCHERER. In spite of its growth, in spite of the recent amalgamation of the CIO and AFL, in spite of its increased membership, you still feel that way? I am merely asking you these questions to see if it was the real reason for your resigning in 1947.

Mr. SHIELDS. If I understand you, sir, you are asking me for my opinion now?

Mr. SCHERER. That is right.

Mr. SHIELDS. And how that can be the basis for what the accuracy of my opinion was at that time I cannot see, sir.

Mr. SCHERER. In the light of what has happened, have you changed your opinion?

Mr. SHIELDS. My opinion has remained.

Mr. SCHERER. The same?

Mr. SHIELDS. The same; yes, sir.

I felt at the time it was a very bad piece of legislation, and I still feel that way, sir.

Mr. SCHERER. That may be true that you felt that way, but I am asking and wondering whether you still feel that the Taft-Hartley law has destroyed, as you predicted it would, organized labor?

Mr. SHIELDS. My feelings are unchanged, sir, as to what is involved in the Taft-Hartley law, and its significance to organized labor. I feel the same now as I did then.

Mr. SCHERER. That is all.

Mr. WILLIS. I have no questions.

Mr. TAVENNER. I omitted to ask several questions that I think should have been asked.

Mr. WILLIS. Proceed.

Mr. TAVENNER. During the period from 1950 to 1955, you were employed by the UE?

Mr. SHIELDS. Yes.

Mr. TAVENNER. Did you work entirely within one district of the UE?

Mr. SHIELDS. No, sir.

Mr. TAVENNER. Or more than one?

Mr. SHIELDS. I worked in more than one.



Mr. TAVENNER. With what districts did you work, and at what time?

Mr. SHIELDS. I was concerned primarily, with the plants which had formerly been, I guess before the merger with the Farm Equipment Union in the International Harvester chain. I was practically full time concerned with the presentation of arbitration cases under the master contracts held in the Harvester plants, and these Harvester plants go beyond the district lines set up by the union, and extend into Kentucky, throughout Illinois, and into Indiana, and from time to time I traveled to those points, and in light of my duties, as outlined, worked at those points presenting cases at formal arbitration hearings.

Mr. TAVENNER. You were under the jurisdiction of what districts when you performed that work?

Mr. SHIELDS. Well, there was an overlapping jurisdiction. I was not under any specific district's jurisdiction.

Mr. TAVENNER. What were the districts which overlapped?

Mr. SHIELDS. I don't know that I can answer that question. I am not attempting to——

Mr. TAVENNER. Who paid your salary?

Mr. SHIELDS. The international office paid me, that is, the New York office paid me. It is my belief that Indiana was in a separate district from Illinois, and at certain times Kentucky was in a separate district from both.

Mr. TAVENNER. In what district was Indiana located?

Mr. SHIELDS. I cannot remember the number of it, because I was never concerned with that.

Mr. TAVENNER. Who was the president of that district?  
(Counsel confers with witness.)

Mr. SHIELDS. I don't recall who was in charge.

Mr. TAVENNER. Was Abe Feinglass one of the leaders in the district under which you were working?

Mr. SHIELDS. Just a moment, please.

(Witness confers with counsel.)

Mr. SHIELDS. Abe Feinglass? I am at a loss. I need further identification, sir.

Mr. TAVENNER. Do you know him or not?

(Witness confers with counsel.)

Mr. SHIELDS. I will have to assert my privilege again. I am at a loss here. I will have to assert my privilege again under the fifth amendment.

Mr. TAVENNER. Was John T. Gojack president of one of the districts of UE under which you worked?

Mr. SHIELDS. I will have to reassert my privilege.

Mr. TAVENNER. Are you acquainted with John Gojack?

Mr. SHIELDS. May I consult with my attorney?

Mr. TAVENNER. Yes, certainly.

(Witness consults with counsel.)

Mr. SHIELDS. I know a John Gojack who was stationed in Indiana. Now, as to what his title was at a given time, I don't know, sir.

Mr. TAVENNER. Did you receive any of your directions through him?

Mr. SHIELDS. I received no directions from any district directly.

Mr. SCHERER. Witness, you said that the Taft-Hartley law dealt some serious blows to organized labor. Do you feel that that provision



of the Taft-Hartley law which required officers of unions to sign non-Communist affidavits was such a provision?

Mr. SHIELDS. I will have to exercise my privilege, please, sir, on that one.

Mr. TAVENNER. Were you a member of the Communist Party during the period of time that you were employed by the UE?

Mr. SHIELDS. I again reassert my privilege under the fifth amendment.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. No questions.

Mr. WILLIS. That is all.

Mr. MEYERS. Is the witness released from his subpenas?

Mr. SCHERER. Before the witness leaves I would like to ask one more question.

Mr. WILLIS. All right, sir.

Mr. SCHERER. During the time you were self-employed, immediately following your severance from the National Labor Relations Board, did you receive any compensation from the UE?

Mr. SHIELDS. Just a moment, sir, yes, please. I did not mean "yes" as an answer, I just wanted to talk to counsel.

(Witness confers with counsel.)

Mr. SHIELDS. It is very difficult for me, to recall specifically all of my clients at that time in my capacity as a labor consultant.

Mr. SCHERER. Was the UE in any way a client?

Mr. SHIELDS. I do not recall, frankly.

Mr. SCHERER. You do not recall?

Mr. SHIELDS. No, sir.

Mr. SCHERER. Did you receive any compensation, either directly or indirectly, from the Communist Party?

Mr. SHIELDS. I must reassert my privilege, sir.

Mr. SCHERER. You resigned from the National Labor Relations Board, and submitted this letter, which was an attack on the Taft-Hartley law, at the time there was a determined effort by certain segments of organized labor to amend or annul that law, did you not?

Mr. SHIELDS. I don't understand the question exactly.

Mr. SCHERER. Will you read it, please?

(Record read.)

Mr. SHIELDS. If I understand the question, there was such a determined effort at that time, and there still is.

Mr. SCHERER. Did your resignation not have anything to do with an attempt to discredit the Taft-Hartley law?

Mr. SHIELDS. I think my letter should speak for itself on that, sir.

Mr. SCHERER. It was not part of a plan to discredit it at that time, was it?

Mr. SHIELDS. I have already stated that that letter is my answer, and beyond that I would have to claim my privilege under the fifth amendment.

Mr. SCHERER. That is all. Thank you very much.

(Thereupon the executive hearing of the last three witnesses was adjourned and the committee resumed its public hearings.)

## DECEMBER 15, 1955—PUBLIC HEARING—RESUMED

A subcommittee of the Committee on Un-American Activities reconvened at 4 p. m., to resume its public hearings, in the Federal Courthouse, Chicago, Ill., Hon. Edwin E. Willis (chairman of the subcommittee) presiding.

Committee members present: Representatives Willis and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; and Thomas W. Beale, Sr., chief clerk.

Mr. WILLIS. The subcommittee will come to order.

This is a continuation of the public hearings of the subcommittee which was duly constituted by the chairman of the full committee, consisting of Mr. Moulder of Missouri as chairman, and myself and Mr. Scherer of Ohio. Congressman Willis of Louisiana is now acting as chairman, and present is Congressman Scherer. A quorum of the subcommittee is thus present.

The subcommittee, having held executive sessions today will now resume its public hearings.

Will you call your witness, please, Mr. Tavenner?

Mr. TAVENNER. Will Mr. Ellis Olim come forward?

Mr. FANELLI. Mr. Chairman, my client objects to photographs being taken. I don't know what your committee rule is on it.

Mr. WILLIS. The rule of the committee is that photographs may be taken before testifying, but not during the testimony.

Mr. FANELLI. You don't have to pose for him. Sit down.

Thank you, Mr. Chairman.

Mr. WILLIS. Will you stand and be sworn?

Do you solemnly swear that the testimony you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OLIM. I do.

Mr. FANELLI. Mr. Chairman, may I identify myself for the record?

Mr. TAVENNER. You will have an opportunity to do so in due course.

Mr. WILLIS. Proceed, Mr. Tavenner.

**TESTIMONY OF ELLIS GEORGE OLIM, ACCOMPANIED BY COUNSEL,  
JOSEPH A. FANELLI**

Mr. TAVENNER. What is your name, please?

Mr. FANELLI. Excuse me, Mr. Chairman, before you go into that—

Mr. TAVENNER. You will be given an opportunity to identify yourself in the regular order.

Mr. FANELLI. There is a statement I would like to make, in view of the suggestion made last Tuesday, whenever you would like it.

Mr. WILLIS. Proceed, Mr. Tavenner.

Mr. TAVENNER. What is your name?

Mr. OLIM. Ellis Olim.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. FANELLI. My name is Joseph A. Fanelli. I am a member of the highest court of the bar of the District of Columbia, and maintain law offices in that District at 1701 K Street NW., Washington, D. C.

With the Chair's permission, would you like a statement as to my affiliation or nonaffiliation with the Communist Party? I feel I owe it to my client, in view of Mr. Walter's suggestion Tuesday.

Mr. SCHERER. I think he should be permitted to make a statement, if he so desires.

Mr. WILLIS. Do you mean as to your affiliation or nonaffiliation with the Communist Party?

Mr. FANELLI. Yes, sir.

Mr. TAVENNER. I don't believe that is called for, Mr. Chairman.

Mr. FANELLI. I don't believe it is, either, but Congressman Walter said he believed every counsel who appeared here ought to state for the record whether he is or is not, or has been a member.

Mr. WILLIS. That is not a rule of the committee. The chairman stated we had that under consideration, and it is not as yet a rule of the committee.

Mr. FANELLI. May I make a 2- or 3-second statement on it?

Mr. WILLIS. As to your own affiliation?

Mr. FANELLI. Yes, sir, because I feel I owe it to my client, in view of that suggestion. I would like to state for the world, Mr. Chairman, that I am not now, and have never been, a member of the Communist Party or any other organization on the Attorney General's list, and for that matter, so far as I know, on anybody's list.

I would also like to add on behalf of myself that I find the making of that statement extremely distasteful and do not——

Mr. WILLIS. Just a moment, you volunteered to make that statement.

Mr. TAVENNER. You volunteered and insisted upon it.

Mr. WILLIS. It would be assumed that what you said would be in the minds of this committee.

Mr. FANELLI. I don't want any unfavorable implication left to my client.

Mr. WILLIS. Proceed, Mr. Tavenner.

Mr. TAVENNER. When and where were you born?

Mr. OLIM. May 25, 1911, in Boston, Mass.

Mr. TAVENNER. Where do you now reside?

Mr. OLIM. Chicago, Ill.

Mr. TAVENNER. What is your present occupation or profession?

Mr. OLIM. I work for the Land Clearance Commission.

Mr. TAVENNER. Of what place?

Mr. OLIM. Chicago.

Mr. TAVENNER. What position do you hold with the Land Clearance Commission?

Mr. OLIM. I am in charge of general services.

Mr. TAVENNER. How long have you been so employed?

Mr. OLIM. I have been employed by the commission for about 3 years, since June 1952, I believe. In my present capacity it is a little less than that.

Mr. SCHERER. What is the title of the position you hold?

Mr. OLIM. Chief of the general services division.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mr. OLIM. I am a graduate of Harvard College in 1931, and I did graduate work at the American University in Washington, D. C.

Mr. TAVENNER. In what field did you take your graduate work?

Mr. OLIM. Public administration.

Mr. TAVENNER. Have you at any time been employed by the Federal Government.

Mr. OLIM. Yes, sir.

Mr. TAVENNER. Will you tell the committee, please, when you first became so employed? State successively the positions you have held and the nature of your employment with the Federal Government?

Mr. OLIM. I believe I first became employed by the Federal Government in June of 1937. It was with the Interstate Commerce Commission in Washington, D. C. I was employed as a stenographer. I remained there for about a year, and I think in about June of 1938 I transferred to the United States Housing Authority, also in Washington, D. C. I transferred there also to work as a stenographer.

Shortly thereafter I became an editorial clerk and worked on technical publications in the Technical Division of the United States Housing Authority.

Mr. TAVENNER. When did that employment begin?

Mr. OLIM. When I went to the United States Housing Authority sometime in 1938, I believe, during 1938 I switched over into working as an editorial clerk, or in 1939.

About 1940 I became a procedures examiner in the Budget and Procedures Section, I believe, of the agency. I don't recall the exact titles of these. I did not expect to be asked about them. I remained in organizational and methods work, organizational studies and procedural studies, and was in various jobs from then on until about 1944.

My last job in organizational and procedural work was as Chief of Procedures for the agency.

In about 1944 I went into a job involving a program which the Government had, whereby the Government had leased buildings for 7 years from private owners, and converted them into apartments for war workers. I remained in that job for about a year and a half. Then under the war housing legislation that was in effect at the time—that is, it was one of the programs of the agency, came the problem of disposing of housing that had been built by the Government; that is, the temporary housing—both the temporary and the permanent housing.

I then switched over into what was called, I think, the Disposition Branch, and I worked on administration and procedures, and so forth, that would be required in the disposal of Government housing. That was until about 1950, I believe.

I thereupon transferred over to another part of the Housing Authority, which was the Division of Slum Clearance and Urban Redevelopment, as an assistant executive officer of that Division, and remained there until the early part of 1952.

Mr. SCHERER. Is your present position in the classified civil service of the city of Chicago?

Mr. OLIM. No, sir.

Mr. SCHERER. Do you hold your position by appointment?



Mr. OLIM. Yes, sir; by appointment. My present position—in fact, the organization I work for is not a department of the city of Chicago and the employees of the organization are not civil service employees.

Mr. SCHERER. I did not understand that.

Mr. OLIM. This is a separate municipal organization created under State law, and it derives its powers from State law, and it is a public municipal corporation, but it is not in any way a part of the city of Chicago, nor are any of its employees civil service, or subject to any of the civil service regulations of the city of Chicago, nor of the State of Illinois.

Mr. SCHERER. But is it a governmental body?

Mr. OLIM. Yes, sir; it is a local governmental body.

Mr. TAVENNER. Are you acquainted with a person by the name of James Gorham?

Mr. OLIM. Mr. Chairman, I respectfully decline to answer that question on the grounds of the first and fifth amendments, and all other constitutional privileges available to me.

Mr. TAVENNER. Were you in the hearing room day before yesterday during the testimony of Mr. Herbert Fuchs?

Mr. OLIM. Yes, sir; I was.

Mr. TAVENNER. Did you hear Mr. Herbert Fuchs identify you as one of the persons belonging to an organized group of the Communist Party consisting principally of employees of the Wheeler committee?

Mr. OLIM. Yes, sir; I did.

Mr. TAVENNER. Did he tell the committee the truth about that matter, insofar as you were concerned?

Mr. OLIM. Mr. Chairman, I respectfully decline to answer the question on the same grounds as stated before.

Mr. SCHERER. Do you know Professor Fuchs?

Mr. OLIM. I respectfully decline to answer on the same grounds.

Mr. FANELLI. May it be understood that when he declines to answer it is on the same grounds, and we can save a lot of time?

Mr. WILLIS. He has not completely stated the grounds. I presume, you mean to say, that you refuse to answer, or that you invoke the protection of the fifth amendment on the grounds that to answer might tend to incriminate you?

Mr. OLIM. Yes, sir; the fifth amendment, and all other constitutional privileges available to me.

Mr. TAVENNER. Were you acquainted with Samuel Koenigsberg?

Mr. OLIM. I respectfully decline to answer on the same grounds. Is it understood when I say that, Mr. Chairman, that the rest of it follows?

Mr. WILLIS. It may be so understood.

Mr. TAVENNER. Were you a member of the Communist Party group composed of Herbert Fuchs, Samuel Koenigsberg, and James Gorham?

Mr. OLIM. I respectfully decline to answer, on the same grounds.

Mr. TAVENNER. Were you acquainted with Arthur Stein?

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman.

Mr. TAVENNER. I hand you a photostatic copy of Government Form 57, purporting to be an application for Federal employment by Ellis George Olim, bearing date of November 1951.

I ask you to examine it, please, and tell the committee whether the signature of the applicant at the bottom of the last page is your signature. [Handing document to witness.]

(Witness and counsel confer and examine document.)

Mr. OLIM. I respectfully decline to answer the question, on the same grounds as previously stated.

Mr. WILLIS. Is that the usual form 57 which is required to be filled out by all applicants for Federal positions, Counselor?

Mr. TAVENNER. Yes, sir.

Mr. WILLIS. And does it contain the usual question as to whether the applicant is a member of the Communist Party or other subversive organizations in opposition to our recognized form of Government?

Mr. TAVENNER. Yes, sir; and I will read the exact question. I desire to offer the above referred to document in evidence, ask that it be marked "Olim Exhibit No. 1" for identification purposes, and to be made a part of the committee files.

Mr. WILLIS. It will be so received and marked.

Mr. TAVENNER. I ask the witness to examine Question No. 27, which is in this language:

"Are you now or have you ever been a member of the Communist Party, U. S. A., or any Communist organization?"

I ask the witness what answer he gave to that question?

Mr. FANELLI. Do you have a date on this?

Mr. TAVENNER. The date is November 1951.

Mr. OLIM. I respectfully decline to answer the question.

Mr. WILLIS. Will you read the answer given by him when he filled out that questionnaire?

Mr. TAVENNER. Yes, sir; there are two columns opposite these various questions with instructions to place an "X" mark in the columns to indicate "yes" or "no." The "X" mark opposite this question is in the "no" column, meaning that his answer is "no," that he was not a member of the Communist Party.

Mr. WILLIS. Does that document contain the usual warning that failure to accurately answer the questions constitutes a Federal offense?

Mr. TAVENNER. There is a certification at the bottom, I believe, in lieu of the matter to which you are referring, reading as follows:

Before signing this application check back over it to make sure that you have answered ALL questions correctly.

Then follows this oath:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this application is punishable by law (U. S. Code, title 18, sec. 80).

Mr. WILLIS. Were the answers given by you to these questions true at the time you made them?

Mr. OLIM. I respectfully decline to answer on the same grounds.

Mr. SCHERER. Mr. Olim, up to this point in your testimony you have refused to answer all significant questions asked you by Mr. Tavenner, on the ground that to answer those questions might tend to incriminate you.

I believe that you have properly invoked the fifth amendment in refusing to answer those questions. However, the committee feels

that you do possess some valuable information which would be helpful to the committee, to the Government, and to your country, if you would answer those questions.

The law provides that this committee, with the approval of the Federal court, can grant you immunity, that is, say to you that if you answer those questions you cannot suffer the incrimination or prosecution you now feel might result from answering those questions.

Now, I, for one, am inclined to agree that we should invoke that provision of the law which gives us the right to grant immunity, and if such immunity is granted to you, would you then answer the questions asked in order that we might have the benefit of the information you possess?

Mr. OLIM. Mr. Scherer, may I consult with counsel for a minute?

Mr. SCHERER. Certainly.

(Witness confers with counsel.)

Mr. OLIM. Mr. Scherer, and Mr. Chairman, I don't have any present thoughts on that matter. I will make up my mind on that question if and when the immunity is offered or granted.

Mr. SCHERER. You understand that we are not asking you at this point to answer the questions, but we merely want to know, without going through all of the procedure that is required to obtain that immunity, whether or not if that immunity is offered to you by this committee, you will then answer the questions.

You say your only reason, and that is the only reason that you have stated for not answering the questions, is because you feel that answering them might result in some criminal prosecution. Now, if you are relieved of any possible criminal prosecution by the action of the committee—we will not ask you to answer those questions today—we merely want to know would you then answer those questions? Otherwise we will be compelled to go through unnecessary motions in getting to that point where we are able to offer you that immunity. If you tell us that you will answer the questions if that immunity is granted, then we can go forward and obtain that immunity, so that at some later date you can answer the questions without fear of criminal prosecution.

That is the only thing I want to know. We do not want you to answer the questions today, we merely want to know if you are granted immunity whether you will then answer the questions.

(Witness confers with counsel.)

Mr. OLIM. Mr. Scherer, I have never discussed that with counsel, the question of immunity, and since I am not an attorney and I don't know very much about the subject—in fact, I know practically nothing about the subject—I would have to seek advice on that question before I could give any answer.

Mr. SCHERER. Assuming after you sought that advice, and your counsel tells you what I have said is the law, and assuming this committee does grant you immunity so you cannot possibly suffer incrimination or prosecution, which you now say prevents you from answering these questions, I merely want to know, whether you will then answer the questions?

(Witness and counsel confer.)

Mr. SCHERER. I take it the record will show, Mr. Reporter, that the witness is consulting with his counsel before finally replying.

Mr. TAVENNER. Mr. Chairman, may I make a suggestion?



Mr. WILLIS. Certainly.

Mr. TAVENNER. The witness has said he wanted the opportunity to confer fully with counsel on this, and I would suggest that he be given a little time in which to do so. I think it is a very important matter.

Mr. SCHERER. I suggest we have a 10-minute recess.

Mr. FANELLI. Thank you, sir.

Mr. WILLIS. We will recess for 10 minutes.

(Whereupon, a 10-minute recess was taken, after which the following proceedings were held:)

Mr. WILLIS. The subcommittee will come to order. Proceed.

Mr. TAVENNER. I understood that during this period of recess the witness would be given an opportunity to confer additionally with counsel regarding the matter of immunity.

Mr. OLIM. Mr. Counsel, and Mr. Chairman, the answer to the last question that was asked me is "yes."

Mr. FANELLI. Yes, he would testify, Mr. Chairman.

Mr. TAVENNER. I think in light of that, Mr. Chairman, I should not ask any further questions at this time.

Mr. WILLIS. Very well.

Mr. FANELLI. Is the witness excused for the time being, Mr. Chairman?

Mr. WILLIS. Mr. Tavenner, will you come forward, please.

(The subcommittee and counsel in conference.)

Mr. SCHERER. Mr. Chairman, I move that the subpoena of this witness be continued until March 5, 1956, and that this subcommittee recommend to the full committee, that it take such steps under the law as are necessary to obtain the consent of the Federal court for this committee to grant this witness immunity.

Mr. WILLIS. The Chair will so order.

Mr. FANELLI. Sir, shall I keep in touch with counsel? Will this be in Washington, or where, or shall I get in touch with the clerk and he will let me know?

So far I have a date, but do not have the city or time of day.

Mr. SCHERER. March 5, 1956, at 10 a. m.

Mr. WILLIS. I suggest that you keep in touch with the clerk of the committee.

The witness is excused until March 5.

Mr. FANELLI. Thank you very much, Mr. Chairman, and I appreciate the courtesies extended to me. Thank you, Mr. Tavenner.

Mr. WILLIS. Before the committee concludes its hearings I want to express the committee's thanks and appreciation to Mr. Frank Allen, the superintendent of the building, who has been so helpful and cooperative in making available to the committee the courtroom we have used for the last few days.

Likewise, I wish to express the committee's appreciation to Marshal Kipp and his staff for the services they have rendered during the course of the hearings; and to express our appreciation to the press, the radio, and the television fraternity for their objective coverage of our hearings; and to the audience for their demeanor.

The subcommittee will adjourn subject to the call of the Chair.

(Whereupon, at 4:45 p. m., Thursday, December 15, 1955, the subcommittee adjourned subject to the call of the Chair.)



# INDEX

## INDIVIDUALS

	Page
Abt, John J.....	2971
Anderson, Hurst R.....	2990, 2991, 3018
Asher, Lester.....	2976, 2984, 3043-3055 (testimony); 3066
Asher, Mrs. Lester.....	3052-3054
Bassoff, Isadore.....	3025
Bentley, Elizabeth T.....	2956, 3015, 3016, 3022
Bloom, Frank.....	3036
Brodsky, Joseph.....	3025, 3033
Brown, Lawrence.....	2969
Brown, Sam.....	2961
Burdett, Winston.....	2989
Burke, Thomas A.....	3022
Chambers, Whittaker.....	2955, 2956
Chancey, Martin.....	2961
Cooper, Harry.....	2980, 2985, 3039, 3040
Cooper, Helen A. (Mrs. Lyle W. Cooper).....	3088-3092 (testimony)
Cooper, Lyle W.....	3083-3088 (testimony)
Davis, Robert Gorham.....	3024, 3038, 3039
Denham, Robert N.....	3096
Diamond, Ben.....	3061, 3064, 3070
Diamond, Bert.....	2981, 2985
Dillon, William H.....	3055
Donner, Frank.....	2980, 2985, 3003, 3007, 3040
Earle, Glen.....	3000
Emerson, Thomas.....	2982, 2983, 3045
Ernst, Morris.....	3035
Fanelli, Joseph A.....	3102, 3103, 3108
Feinglass, Abe.....	3100
Fitzgerald, Edward J.....	3015, 3016, 3022
Fletcher, R. V.....	2991
Freedman, David.....	3025
Fuchs, Herbert (also known as Herbert Haeker).....	2957-3019 (testimony); 3022, 3037, 3039, 3041, 3042, 3044-3055, 3057-3059, 3062-3066, 3070, 3071, 3077, 3081, 3105.
Furry, Wendell H.....	2989, 3019
Gaines, Janet Buck. (See Stern, Janet.).....	
Gannett, Betty.....	2998
Gerson, Simon.....	3024, 3026
Glasser, Harold.....	3015, 3016, 3022
Gojack, John T.....	3100
Goldberger, Alexander. (see Peters, J.).....	
Golos, Jacob N. (also known as John Friedman; Jacob R. Raisin)....	3015, 3016
Gorham, James.....	2963, 3105
Graham, Charles A.....	2994, 2995, 3001
Gray, J. Copeland.....	3096
Haas, Francis J.....	3089, 3091
Haeker, Herbert. (See Fuchs, Herbert.).....	
Heald, Allen.....	2980, 2984, 3055-3072 (testimony)
Herzog, Paul M.....	3095-3098
Hessen, Michael.....	3076
Hill, Helen (also known as Helen Himmelfarb; nee Roark).....	3003
Hiss, Alger.....	2956, 3022
Holzman, Henry.....	3025
Houston, John M.....	3096
Hutchison, John A.....	2968

	Page
Kaplan, Irving	3077
Kassner, Minna	3025
Katz, Julia (Mrs. Sidney Katz)	2968
Katz, Sidney	2968
Koenigsberg, Samuel	2963, 3105
Kramer, Charles (also known as Charles Krevitsky)	3015, 3022
Krevitsky, Charles. (See Kramer, Charles.)	
Krug, Jacob H.	2978, 2984, 3068
Kuntz, Edward	3025
Kurasch, Lillian (Mrs. Martin Kurasch)	2996, 2997
Kurasch, Martin	2971, 2972, 2975, 2983, 2995, 2996, 3025, 3045-3048, 3051, 3066
LaVallee, Corina (Mrs. Raymond LaVallee)	2999
LaVallee, Raymond	2999
Lowenthal, Max	2971, 2972
Magdoff, Harry	3015, 3016, 3022
Markward, Mary Stalcup	2956, 2974
Matchett, Gerald J.	2999, 3072-3078 (testimony)
Matchett, Margaret Ellen (Mrs. Gerald J. Matchett; nee Stump)	2999, 3079-3081 (testimony)
Meyers, Irving	3092
"Mike." (See Perlo, Victor.)	
Miller, Helen	3007
Morris, Willard	3002
Mortimer, Robert. (See Riemer, Mortimer.)	
Murdock, Abe	3096
Nelson, Eleanor	2966, 2967, 3007
Nixon, Russ	3077
O'Laughlin, Charles J.	3083, 3088
Olim, Ellis George	2963, 3021, 3102-3108 (testimony)
Oxnam, G. Bromley	2990, 2992
Pecora, Ferdinand	3035
Perlo, Victor (also known as "Mike")	2985, 3004-3006, 3011, 3014-3016, 3041, 3050, 3051, 3058-3060, 3063-3066, 3068
Peters, J. (real name Alexander Goldberger; also known as Alexander Stevens)	2955
Plumb, Arlyne (Mrs. Don Plumb)	3000
Plumb, Don	3000
Popper, Martin	3025
Porter, John W.	2964, 2979, 2984, 2995, 2996, 3057-3060, 3063, 3066, 3068
Porter, Margaret Bennett (Mrs. John W. Porter)	2963, 2979, 2984, 2995, 2996
Pratt, George	3036, 3037
Pressman, Lee	2980
Racobin, Alex	3025
Rein, David	2976, 2977, 2984, 3003, 3039, 3052, 3054, 3066
Rein, Selma (Mrs. David Rein)	3003
Remington, William W.	2956
Reno, Philip	2967, 2968, 2995-2999, 3074, 3081
Reynolds, James M., Jr.	3096
Rhine, Henry	2966, 2967, 2969, 3091
Rhine, Jessica (Mrs. Henry Rhine)	2969
Riemer, Mortimer (also known as Robert Mortimer)	2978, 2984, 3022-3043 (testimony)
Robison, Joseph	2971-2973, 2975, 2983, 3033, 3048, 3057, 3060, 3066
Robison, Leah	2961, 2973
Rosenberg, Allan	2971, 2972, 2975, 2983, 2993, 2994, 3006, 3015, 3016, 3022, 3040, 3048, 3049, 3059, 3063, 3066, 3068
Rossen, Robert	3028
Sacher, Harry	3025, 3033
Sandler, Woodrow	2978, 2984
Scheiner, Frank	3025
Scheunemann, Cecelia (Mrs. Edward Scheunemann)	2997, 3000
Scheunemann, Edward	2980, 2985, 2995-2997, 3000, 3007, 3074, 3081
Scribner, David	3025

	Page
Sherwood, Bill	3060, 3063-3065, 3068, 3069
Shields, James M	3092-3101 (testimony)
Silberstein, Robert J	3006, 3025-3027, 3029, 3033
Silverman, Arthur	3026
Silvermaster, Nathan Gregory	3015
Smith, Oscar S	3096
Spencer, Dwight	3000
Spencer, Mary (Mrs. Dwight Spencer)	3000
Stasinos, James	2960
Stein, Arthur	2962, 2964-2967, 2970, 2985, 3004, 3007, 3011, 3041, 3105
Stern, Bernard	2968
Stern, Janet (formerly known as Janet Gaines; nee Buck; Mrs. Bernard Stern)	2969
Stevens, Richard James	3072, 3079
Tauber, Joseph	3026
Unger, Abraham	3026
Wallace, Henry A	3064
Walsh, Frank	3032
Weyand, Ruth	2979, 2984, 3003, 3046-3051, 3056, 3059, 3060, 3063, 3066, 3068
Wheeler, Donald Niven	3015, 3022
White, Harry Dexter	3014, 3015
Williams, Robert W	2999
Witt, Nathan	2970, 2972, 2982, 2983, 3002, 3035, 3036, 3044-3047, 3050, 3051, 3062

## ORGANIZATIONS

American Bar Association	3030, 3031
American Civil Liberties Union	2990
American Labor Party	3032
American League for Peace and Democracy	3064, 3071
American Peace Mobilization	3064, 3071
American University	2957, 2980, 2989-2993, 3018, 3019
Brookings Institution	3014
Chicago Housing Authority	3057
Columbia Broadcasting System	2989
Communist Party, U. S. A.:	
Colorado, Denver: Cell within National War Labor Board	2996-3002
District of Columbia:	
Cell within National Labor Relations Board	2968-2988, 2996, 2998, 3002-3008, 3011-3014, 3037-3041, 3057
Cell within the Wheeler committee (Subcommittee to Investigate Railroads, Holding Companies, and Related Matters)	2961-2966, 2970, 2979
Perlo, Victor, Group	3015, 3022
Silvermaster, Nathan Gregory, Group	3015
New York City area, Manhattan: Lawyers Group	3024-3028, 3030, 3033
Consolidated Edison Powerplant	2960
Electrical, Radio, and Machine Workers of America, United	3025, 3094, 3098-3101
Federal Workers of America, United, CIO	2962, 2967
Government Employees, American Federation of, AFL	2965
Harvard University	2989
Illinois Institute of Technology	3072, 3074, 3077, 3078
Indiana University	3080
Lawyers Security League	3028-3031
Marquette University	3084, 3087
Mine, Mill and Smelter Workers, International Union of	3002
National Lawyers Guild	2978, 3006, 3023, 3025, 3026, 3032-3035, 3037, 3059, 3063, 3064, 3071
District of Columbia Chapter	3037
Convention, February 1937, Washington, D. C.	3033
Convention, February 1939, Chicago, Ill.	3034, 3035
Packhouse Workers of America, United, CIO	3084, 3085
Progressive Party	3064
Public Affairs Institute	2958

United States Government:		Page
Agriculture, Department of .....		3076
Board of Economic Warfare .....	2958, 2971, 2988, 2993, 2994,	3085
Civil Service Commission .....		3085, 3086
Civilian Production Administration .....		3014
Commerce, Department of .....		3014, 3076
Federal Emergency Relief Administration .....	3089, 3092,	3093
Federal Home Loan Bank Board .....		3014
Foreign Economic Administration .....		3085
House of Representatives U. S.: Tolan committee (Select Committee to Investigate the Interstate Migration of Destitute Citizens) .....		3084
Interstate Commerce Commission .....	2963,	3104
Justice, Department of .....		2979
Labor, Department of .....	2966-2968, 3007, 3069,	3089
Children's Bureau .....		3089-3091
National Labor Relations Board .....		2958,
2966, 2968-2988, 2990, 2993, 2994, 2996, 2998, 3002-3008, 3011- 3013, 3016, 3017, 3023, 3035-3041, 3043-3054, 3056-3063, 3066- 3068, 3070, 3084, 3085, 3087, 3093-3098, 3101.		
Minnesota, Minneapolis regional office .....		3093, 3096
National Recovery Administration .....	2967, 3014, 3089, 3091,	3092
National War Labor Board .....	2958, 2993, 2994,	2997
Colorado, Denver regional office .....	2958, 2968, 2995-3002,	3073-3077
Office of Military Government for Germany .....		3077
Office of Price Administration .....	2981, 2996, 3000, 3014, 3056, 3061,	3064
Rural Electrification Administration .....		2996
Senate, United States:		
Committee on Education and Labor .....		2958
La Follette Civil Liberties Committee (Subcommittee of the Com- mittee on Education and Labor) .....		2971
Wheeler committee (Subcommittee To Investigate Railroads, Holding Companies, and Related Matters of the Committee on Interstate and Foreign Commerce) .....		2957,
2958, 2961-2966, 2969, 2970,		2979
Social Security Board .....	2968, 2995,	3084
Tolan committee. (See House of Representatives, U. S.)		
Treasury, Department of the: Office of Monetary Research .....	3014,	3015
United States Housing Authority .....	3056, 3061, 3063,	3104
War Production Board .....		3014
Works Progress Administration .....	2962, 2967, 3085, 3089,	3093
University of Colorado .....		3073, 3074
University of Denver .....		3080
University of Maryland .....		3080
Washington Bookshop (District of Columbia) .....		3064, 3071
Washington Committee for Democratic Action .....		3006, 3007

## PUBLICATIONS

Daily Worker .....	3024
I Protest (book) .....	3018
Washington Post and Times Herald .....	2990





















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a, b, c, d, e	3205	encl sent pt 1-5
f	3207	NC
g i, k	3208	LA pts 7-10
h	3208	Klockhau <sup>r</sup> pt 8





